

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR
MEETING ON MONDAY, JUNE 21, 2010 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
Flora Gallegos, Acting City Attorney
Gary Gold, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz asked for a moment of silence in appreciation of all veterans, firefighters and for a member of the community, Mr. Philip Leger.

APPROVAL OF AGENDA

City Manager Tim Dodge recommended an addition under the Mayors Recognition/Proclamation of a presentation from the firefighters and recommendation for Business Items 1 through 9 be placed on a consent agenda.

Business Item 1: Approval/Disapproval for the donation of Motorola and Maxon radios to local school districts.

Business Item 2: Approval/Disapproval of Resolution 10-41 authorizing the Las Vegas Police Department to apply for funding through the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2011.

Business Item 3: Approval/Disapproval of Resolution 10-43 Establishing reasonable notice of City Council and committee meetings.

Business Item 4: Approval/Disapproval of Resolution 10-45 in support of a Grant Proposal to the Economic Development Administration by the Food Depot.

Business Item 5: Approval/Disapproval to award the materials bid for plant mix bituminous pavement (PMBP), base course, crusher fines, sand, engineer fill, pit run and cold mix; on an as needed basis, to the low bidder – Sangre De Cristo Gravel Products, LLC and JK Trucking & Construction.

Business Item 6: Approval/Disapproval to award RFP 98-24 Water Rights Issues and enter into a professional services agreement with Mustafa D. Chudnoff Consulting LLC.

Business Item 7: Approval/Disapproval of 2010 S.W.O.T. Analysis and provide direction to staff in order to follow through with projects.

Business Item 8: Approval/Disapproval of Resolution 10-42, the Designation Report for establishing a Metropolitan Redevelopment Area (MRA).

Business Item 9: Approval/Disapproval of Resolution 10-44, Concerning the New Arizona Immigration Law.

Councilor Feldman made a motion to approve agenda with the noted addition and consent agenda made by City Manager Dodge. Councilor Romero 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 |
| David Romero | Yes | Tonita Gurule Giron | Yes |

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

APPROVAL OF MINUTES

Councilor Moore made a motion to approve the May 20, 21, 2010, May 24, 1010, May 26, 2010 and June 2, 2010 minutes. 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 Giron | Yes |
| Andrew Feldman | Yes | Diane Moore | Yes |

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

MAYOR'S RECOGNITION/PROCLAMATIONS

City Manager Dodge asked the firefighters to give their presentation. Mayor Ortiz Jr. mentioned the firefighters had been working hard the last week fighting the Tecolote fire.

Mr. Bill Vanbruggen, Incident Commander for Tech I Team advised there are about fifty people on their team which have set up base camp at the fair grounds and each individual has a job to perform which keeps them very busy. Mr. Vanbruggen explained through a power point presentation where the fire was located and their tactics to keep the fire from getting to the Gallinas water shed and reported that the fire was seventy to eighty percent contained.

Mr. Derrick Padilla, Cuba District Ranger thanked the community for all their assistance on behalf of the Pecos/Las Vegas District Ranger Steve Romero as he could not attend.

Mr. Ernesto Hurtado, District Forestry for New Mexico State reported that their biggest concern is private land first and foremost including the Gallinas water shed and they worked closely with the assigned teams.

Mayor Ortiz Jr. presented fifteen proclamations to each team leader in recognition and appreciation to all the personnel involved that continue to place themselves in harms way to protect the people and land of the community. City Clerk Fresquez read the proclamation proclaiming June 21, 2010 as "USDA Forestry Service and Firefighter Day".

City Clerk Fresquez read recognition for Juliana Guerin recognizing her outstanding athletic achievement in playing tennis.

Mayor Ortiz Jr. recognized and thanked Mr. Ruben Roybal with Green Acres for his landscaping contribution for the City of Las Vegas on June 4, 2010.

PUBLIC INPUT

Mr. Salvador Higgins spoke in Spanish and mentioned that he has been praying for rain and will continue to do so for the entire state.

Mr. Frank Casey stated he would like to know what is being done about the Peterson Dam repairs as it continues to leak and a great amount of water is being lost.

Mr. Bruce McAllister commended the Council for implementing an ordinance banning the use of cell phones in which the police department has issued about one hundred and ninety citations as of 2008, however he was upset that a child

was run over by a car by an operator who was allegedly using a cell phone, he would like Council to modify the ordinance so that a person would be cited if they should have a cell phone in their hand and first citation would cost four hundred and ninety nine dollars.

Ms. Cindy Collins thanked Council for approving the Designation Report on the consent agenda which is the first step in approving downtown Las Vegas as a Metropolitan Redevelopment Area.

FINANCE REPORT

Interim Finance Director Pamela Marrujo reported that with 92% of the year lapsed, the City has currently collected 90% of the General Fund Revenue overall. Property tax is expected to finish at 112% of what was budgeted for the year. Gross Receipts tax is expected to finish the year overall at about 96%, which is about three to four percent down and licenses and fees are expected to increase as liquor license fees are due in June.

Interim Finance Director Marrujo also reported that 86% of General Fund expenditures have been expended year to date, the majority of savings is coming from salary line items in conjunction with salaries in our fringe benefits. Gas, oil vehicles line item have shown a savings due to gas prices that have dropped compared to higher rates last year.

Interim Finance Director Marrujo reported that City Attorney, Personnel and Library have been flagged due to each inheriting an employee that was unbudgeted for, however the monies are there from savings in other departments and possible deficits will be addressed in the final budget resolution.

Interim Finance Director Marrujo also reported the Enterprise funds have under collected 11% of their budget revenues; the majority of that impact comes from the Gas utility. Cost of gas is why we see the shortfall. With the exception of gas, the City has collected 99% of sales and services in Waste Water and Solid Waste and 98% of sales and services in water and 80% collected in gas due to the cost. The shortage of revenue collections is made up on the expenditure side. The enterprise funds have under expended their budgets by 19%. Majority of the overall enterprise savings is coming from the price paid for gas from ZIA.

Interim Finance Director Marrujo reported that Recreation has collected 79% of their budget revenues. Only sixteen hundred is needed to meet the budget in the Open Swim category and have exceeded the annual estimate by 10% in the Wellness Center proceeds. There is a slight savings in the Recreations expenditures. They have only expended 85% of their budget.

CITY MANAGER'S INFORMATION REPORT

City Manager Dodge deferred his report to Police Chief Gary Gold. Chief Gold introduced the two Enforcement Officers, Jacob Harris and Rodney Perea which were the two patrolman officers that transferred over to the Enforcement Specialist Unit. Chief Gold reported that the officers have been in place for about two weeks and have given about fifty citations and several written warnings regarding animals and also parking violations; he explained how the community will be covered in six sectors on given days which will address the entire community.

Councilor Moore stated she believes the City needs at least two more enforcement officers to address the community's concerns regarding weeds, junk that is left in yards, etc.

Councilor Gurule-Giroń also believes the City needs more enforcement officers and commended Chief Gold for the professional looking uniforms.

City Manager Dodge stated that there was quite a bit of information and several items for this meeting, therefore he would end his report and stand for any questions.

NEW HIRES

1. Ratification of summer seasonal employees for the various departments
Tasha Martinez, Human Resource Manager

City Manager Dodge stated that during the last meeting, Council directed the Mayor and City Manager to approve the hire of the seasonal youth employees and bring the list of names to Council for ratification.

Human Resource Officer Andrew Quintana stated that out of the two hundred and seventeen applications, one hundred and ten applicants were hired in the various departments throughout the City. The summer employees were introduced by their Department Managers and they explained some of the projects and programs they would be participating in.

Councilor Moore commended City Manager Dodge and the Human Resource Department for hiring as many summer youth employees as they could since no other agency was able to hire.

Councilor Feldman made a motion to approve the ratification of the summer seasonal employees for the various departments. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for discussion on the item. 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.

Councilor Feldman made a motion to recess regular meeting. Councilor Moore 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 |
| David Romero | Yes | Diane Moore | Yes |

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

CONVENE INTO HOUSING AUTHORITY BOARD OF COMMISSIONERS MEETING

Commissioner Feldman made a motion to go into Housing Authority Board of Commissioners Meeting. Commissioner Moore 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 |
| Diane Moore | Yes | Andrew Feldman | Yes |

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

1. Approval/Disapproval to award Bid 98-28 to the responsive lowest bidder.

Housing Manager Robert Pacheco stated that the Housing Authority solicited bids for the install GFCI's Project and the bid opening was held on May 26, 2010, however City Manager Dodge rescinded the bid awardment of Bid #98-28 approved on Wednesday, June 2, 2010 at the Housing Authority Boards Meeting to the low bidder, Element Electric due to an inadvertent action of a responsive bid not being opened on the bid opening date. City Manager Dodge directed all interested parties that submitted bids to be notified by certified mail that the bid submitted on May 26, 2010 at 8:50 a.m. will be considered and opened on June 16, 2010 at 3:00 p.m. in the City of Las Vegas council chambers and a recommendation will be made to the Governing Body at the council meeting on June 21, 2010 at 6:00 p.m.

Housing Director, Robert Pacheco stated that the bid that was opened on June 16, 2010 was in fact lower than Element Electric; therefore the recommendation to Council is to award bid #98-28 to the lowest bidder which is JR Electric Service.

City Manager Dodge advised Council that there were several bids that same day and the Clerks office received and stamped the bid and misplaced with the other bids and was discovered after the bid opening.

Councilor Gurule-Giron recommended the bid be re-advertised because of the procurement process.

Housing Director Pacheco stated that the bid that was misplaced was sealed and never compromised as it was at City Hall, therefore the lowest bidder is being recommended for approval.

City Manager Dodge clarified that there was no contract signed, the award was rescinded by him before the notice to proceed and before the contract was initiated, this has been reviewed by legal counsel and therefore the recommendation is to award bid to the lowest bidder, JR Electric Service.

Councilor Feldman asked Acting City Attorney Flora Gallegos if the City was in any violation. Ms. Gallegos stated that all procedures were followed; the error was misplacing it with the other bids.

Councilor Feldman made a motion to approve awardment of Bid #98-28 to the responsive lowest bidder, JR Electric Service. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for discussion on the item. 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 |
| Amber Davis | Yes | | |

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

City Manager Dodge stated that corrective action has been taken so that this type of error won't happen again.

Councilor Feldman made a motion to close Housing Meeting. 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 | Tonita Gurule-Giroń | Yes |
| Andrew Feldman | Yes | Diane Moore | Yes |
| Amber Davis | Yes | | |

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

RECONVENE INTO REGULAR CITY COUNCIL MEETING

Councilor Moore made a motion to reconvene into the regular City Council Meeting. 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.

BUSINESS ITEMS

Consent Agenda

Business Item 1: Approval/Disapproval for the donation of Motorola and Maxon radios to local school districts.

Business Item 2: Approval/Disapproval of Resolution 10-41 authorizing the Las Vegas Police Department to apply for funding through the Edward Byrne Memorial Justice Assistance Grant for fiscal year 2011.

Business Item 3: Approval/Disapproval of Resolution 10-43 Establishing reasonable notice of City Council and committee meetings.

Business Item 4: Approval/Disapproval of Resolution 10-45 in support of a Grant Proposal to the Economic Development Administration by the Food Depot.

Business Item 5: Approval/Disapproval to award the materials bid for plant mix bituminous pavement (PMBP), base course, crusher fines, sand, engineer fill, pit run and cold mix; on an as needed basis, to the low bidder – Sangre De Cristo Gravel Products, LLC and JK Trucking & Construction.

Business Item 6: Approval/Disapproval to award RFP 98-24 Water Rights Issues and enter into a professional services agreement with Mustafa D. Chudnoff Consulting LLC.

Business Item 7: Approval/Disapproval of 2010 S.W.O.T. Analysis and provide direction to staff in order to follow through with projects.

Business Item 8: Approval/Disapproval of Resolution 10-42, the Designation Report for establishing a Metropolitan Redevelopment Area (MRA).

Business Item 9: Approval/Disapproval of Resolution 10-44, Concerning the New Arizona Immigration Law.

Councilor Moore made a motion to approve consent agenda to include Business Items one through nine. Councilor Romero seconded the motion.

Resolution # 10-41,10-43, 10-45, 10-42 and 10-44 were presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 10-41**

A RESOLUTION TO INITIATE THE APPLICATION PROCESS FOR MONIES THROUGH THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JAG GRANT.

WHEREAS, the Governing Body of the City of Las Vegas met on June 21, 2010 and discussed the submission of the Grant Application.

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 and the San Miguel Sheriff's Office respectfully submit a grant application for funding through the Department of Justice Edward Byrne Memorial JAG Grant for fiscal year 2011. We are requesting an amount of \$17,495.00, to obtain equipment.

DONE this 21st day of June, 2010.

Mayor

ATTEST:

Casandra Fresquez, City Clerk

Approved as to Legal Sufficiency Only:

Dave Romero, City Attorney

**CITY OF LAS VEGAS
RESOLUTION NO. 10-43**

A RESOLUTION ESTABLISHING REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT; RESCINDS AND REPLACES ALL PREVIOUS CITY OF LAS VEGAS RESOLUTIONS REGARDING "REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT."

WHEREAS, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) provides that, except as may be otherwise provided in the New Mexico Constitution or the provisions of the Open Meetings Act, all meetings or a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority of a quorum of the body is in attendance, and any closed meeting shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the City Council to determine at least annually what constitutes reasonable notice of its public meetings;

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

1. Regular Meeting. Pursuant to Section 2-2-2(a) of the Municipal Code, all Regular Meetings of the Las Vegas City Council shall be held on the third Wednesday of each month at 6:00 p.m. at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico. The agenda will be available at least twenty-four (24) hours prior to the meeting from the City Clerk whose office is located at the George Arellanes Municipal Complex, 1700 North Grand Avenue, Las Vegas, New Mexico. Notice of said meetings shall be printed in a newspaper(s) of general circulation one (1) time, at least one (1) day prior to the meeting; and shall be telephoned, e-mailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. If a regular meeting is postponed, notice of the new time and date of said meeting may be printed in a newspaper(s) of general circulation; and shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice at least twenty-four hours prior to the specific time of the meeting or at the earliest date and time possible. If the date and time of the Regular meeting is permanently changed, the new date and time shall be printed in a newspaper(s) of general circulation twice, one (1) week apart.

2. Monthly Special Meeting. The Monthly Special Meeting of the Las Vegas City Council shall be held on the first Wednesday of each month at 6:00 p.m. at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico. The agenda will be available at least twenty-four (24) hours prior to the meeting from the City Clerk whose office is located in the George Arellanes Municipal Complex, 1700 North Grand Avenue, Las Vegas, New Mexico. Notice of these meetings shall be printed in a

newspaper(s) of general circulation; and shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice at least twenty-four hours prior to the specific time of the meeting or at the earliest date and time possible. If the date and time of the Special Meeting is permanently changed, the new date and time shall be printed in a newspaper(s) of general circulation twice, one (1) week apart.

3. Other Meetings Not Regularly Scheduled. Special meetings may be called by the Mayor or a majority of the members of the City Council by giving notice to each member of the Council, personally served or left at his/her usual place of residence twenty-four hours prior to the meeting. Notice of said special meeting may be printed in a newspaper(s) of general circulation at least twenty-four (24) hours before the meeting date or on the earliest date possible prior to the date of the meeting. Notice of said special meeting shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice for public announcement at least twenty-four (24) hours prior to the specific time of the meeting or on the earliest date possible prior to the time of the meeting.

4. Emergency Meetings. Emergency meetings shall be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the members upon twenty-four (24) hours notice, unless there is a threat of personal injury or property damage, which shall require less notice. If time permits, notice on said meeting may be printed in a newspaper(s) of general circulation on the earliest date possible as soon as the meeting is called. If time permits, notice of said meeting shall also be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice for public announcements on the earliest date and time possible prior to the time of the meeting. The notice for emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. All notices shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least twenty-four (24) hours before any meeting or at the earliest possible time in case of emergency meetings.

6. The City Council may close a meeting to the public only if the subject matter of such discussion or action is exempt from the open meeting requirement pursuant to NMSA Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall

be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in the minutes. Only those subjects specified in the motion shall be discussed in a closed meeting.

(b) If the decision to hold a closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in NMSA Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the City Council in an open meeting.

7. The regular scheduled meetings of the City of Las Vegas' Advisory Boards, Committees and Commissions are as follows:

- Planning & Zoning Commission/Board of Adjustment – Last Monday of the month at 4:00 p.m. - City Council Chambers;
- Design Review Board – 3rd Monday of the month at 4:00 p.m. - City Council Chambers;
- Lodger's Tax Advisory Board – (Quarterly) 2nd Tuesday of the month at 3:00 p.m. – City Council Chambers;
- Extra-Territorial Zoning Authority – Last Tuesday of the month at 4:00 p.m. - City Council Chambers;
- Extra Territorial Zoning Commission – 3rd Tuesday of the Month at 4:00 p.m. -City Council Chambers;
- Las Vegas Youth Commission – At the call of the Chairperson or To Be Announced;
- Library Board – 2nd Thursday of the month at 4:00 p.m. -Carnegie Library;
- Finance Committee – 3rd Tuesday of the month at 3:30 p.m. - City Council Chambers;
- Public Safety Committee – 2nd Monday of the month at 3:30 p.m. – Police Station;

- Utilities Committee – 2nd Tuesday of the month at 3:30p.m. - Utilities Department;
- Public Housing Authority Board of Commissioners – 3rd Wednesday of each month at 5:30 p.m. - City Council Chambers;
- Housing Committee – Last Wednesday of the month at 11:00 a.m. - Housing Department;
- ADA Committee – 3rd Tuesday of the month at 3:00 p.m. - Public Works Department;
- Downtown Revitalization Committee – At the call of the Chairperson or To be announced;
- Film Commission – 2nd Wednesday of the month at 3:00 p.m. – Train Depot;
- Green and Clean Alternative Energy Committee – 3rd Tuesday of the month at 4:00 p.m. – Luna Community College-Tech. Bldg;
- Museum Board – 2nd Thursday of the month at 5:00 p.m. – Las Vegas Museum & Rough Riders Memorial Collection;
- Public Works Committee – At the call of the Chairperson or To be announced;
- Recreation Committee – 3rd Thursday of the month at 6:00 p.m. – Recreation Center;
- Senior Advisory Committee – 2nd Tuesday of the month at 3:00 p.m. – Public Works Department;
- Tree Board – Last Tuesday of the month at 3:00 p.m. – Tierra Y Montes Conference Room;
- Keep America Beautiful Committee – 2nd Monday of the month at 5:30 p.m. – Plaza Hotel

This Resolution shall be published in a newspaper(s) of general circulation twice, one (1) week apart after its adoption.

DONE this _____ day of _____, 2010

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Casandra Fresquez, City Clerk.

Approved as to Legal Sufficiency Only:

Dave Romero, City Attorney

**CITY OF LAS VEGAS
RESOLUTION NO. 10-45
RESOLUTION IN FULL SUPPORT OF A GRANT PROPOSAL TO THE
ECONOMIC DEVELOPMENT ADMINISTRATION BY THE FOOD DEPOT**

WHEREAS, the mission of The Food Depot is to end hunger in Northern New Mexico. Currently, The Food Depot provides service to nine northern counties of New Mexico including Colfax, Harding, Los Alamos, Mora, Rio Arriba, Santa Fe, San Miguel, Taos and Union. The service area is more than 26,000 square miles with the majority of it being rural; fighting hunger in Northern New Mexico is more difficult than almost anywhere else. Poverty is high so the risk of hunger is great. Northern New Mexico is mostly rural so it's harder to reach people in need. Thus, The Food Depot collaborates with community organizations to respond to disasters such as the Cerro Grande fires by providing food.

WHEREAS, in the last nine years, The Food Depot has distributed more than 21.2 million pounds of food and related product, providing more than 28 million meals to people who are hungry in Northern New Mexico. Annually, The Food Depot provides over four million meals through its 120 partner agencies in Northern New Mexico. However, this still does not fully meet the need. The changing nature of donations, an expanding service area, and increased demand for food have led The Food Depot's Board of Directors to embark on a capital campaign to raise \$5 million to build a new warehouse and facilities as well as build an endowment for the future.

WHEREAS, members of the Las Vegas City Council members have met with the Executive Director for The Food Depot.

WHEREAS, the members of Las Vegas City Council are aware of The Food Depot's plan and need for expansion.

WHEREAS, The Las Vegas City Council, in the interest of increasing food distribution throughout Northern New Mexico to meet the growing demand, is in

full support of The Food Depot's Capital Campaign grant proposal to the Economic Development Administration (EDA) for \$1.5 million.

PASSED, APPROVED, ADOPTED on this _____ day of _____, 2010.

Alfonso E. Ortiz Jr., Mayor

ATTEST:

Casandra Fresquez, City Clerk

**CITY OF LAS VEGAS
Resolution No. 10-42**

METROPOLITAN REDEVELOPMENT AREA DESIGNATION: MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE, AND DESIGNATING THE LAS VEGAS DOWNTOWN METROPOLITAN REDEVELOPMENT AREA

WHEREAS, Section 3-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code (Sections 3-60A-1 through 3-60A-48 NMSA 1978) states: "A municipality shall not prepare a metropolitan redevelopment plan for an area unless the governing body by resolution determine the area to be a slum or a blighted area, or a combination thereof, and designated the area as appropriate for a metropolitan redevelopment project.", and

WHEREAS, the City of Las Vegas ("City") and Las Vegas MainStreet, and New Mexico MainStreet and their employees, have for some time engaged in a study of blighted areas within the MainStreet District, and have submitted their findings and recommendations concerning the area detailed in the Designation Report which was included in packets at the December 14, 2009 City Council meeting, a copy of which is attached hereto as Exhibit A; and

WHEREAS, pursuant to Section 30-60A-8 NMSA 1978 of the Metropolitan Redevelopment Code, the City Council caused to be published in the Las Vegas Optic, a newspaper of general circulation, a notice containing a general description of the proposed Downtown Metropolitan Redevelopment Area and the date, time and place where the City Council will hold a public hearing to consider the adoption of this resolution and announcing that any interested party may appear and speak to the issue of the adoption of this resolution; and

WHEREAS, the area boundaries of the Las Vegas Downtown Metropolitan Redevelopment Area are as follows: beginning at the intersection of the railroad tracks and East National Avenue, thence west along National Avenue, across Grand Avenue to the intersection of 5th Street, thence north on 5th Street to Columbia Avenue, thence west on Columbia Avenue to 6th Street thence southeast on 6th Street to the intersection of National Avenue, thence west on National Avenue to the intersection of 8th Street, thence south on 8th Street to the intersection of Douglas Avenue, thence west on Douglas Avenue to the intersection of 12th Street, thence northeast on 12th Street to the intersection

of National Avenue, thence northwest on National Avenue to the intersection of 11th Street, thence north on 11th Street to the alley between Columbia Avenue and National Avenue, thence west along the ally to the intersection of 12th Street, thence north on 12 Street to the intersection of Columbia Street, thence west from the western end of Columbia Avenue across the Gallinas River to Valencia Street, thence west on Valencia Street to the intersection of Hot Springs Boulevard, thence south on Hot Springs Boulevard to the intersection of West National Avenue, thence west on West National Avenue to the intersection of New Mexico Avenue, thence south on New Mexico Avenue to the intersection of Moreno Street, thence east on Moreno Street to the intersection of South Pacific Street, thence south on South Pacific Street to the intersection of South Gonzales Street, thence north on South Gonzales Street to the intersection of Moreno St, thence east on Moreno St to the intersection of Paseo de Las Escuelas, thence south on Paseo de Las Escuelas, following the western boundary of the Gallinas River, crossing Prince Street, continuing along the Gallinas River, thence along River Road to the Grand Avenue intersection, thence north on Grand Avenue to the southern boundary of the Roundhouse property on Grand Avenue, thence east along the southern boundary of said property to the railroad tracks, thence north along the railroad tracks to the point of beginning ,the intersection of the railroad tracks and East National Avenue. The above described boundaries are specifically depicted on the attached map labeled Attachment A.

WHEREAS, the City Council has considered the findings and determinations of the Designation Report and all public comments concerning the conditions which exist in the proposed Metropolitan Redevelopment Area.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL,

1. The City Council finds and determines that the boundaries of the Downtown Metropolitan Redevelopment Area the area boundaries of the Las Vegas Downtown Metropolitan Redevelopment Area are as follows: beginning at the intersection of the railroad tracks and East National Avenue, thence west along National Avenue, across Grand Avenue to the intersection of 5th Street, thence north on 5th Street to Columbia Avenue, thence west on Columbia Avenue to 6th Street thence southeast on 6th Street to the intersection of National Avenue, thence west on National Avenue to the intersection of 8th Street, thence south on 8th Street to the intersection of Douglas Avenue, thence west on Douglas Avenue to the intersection of 12th Street, thence northeast on 12th Street to the intersection of National Avenue, thence northwest on National Avenue to the intersection of 11th Street, thence north on 11th Street to the alley between Columbia Avenue and National Avenue, thence west along the ally to the intersection of 12th Street, thence north on 12 Street to the intersection of Columbia Street, thence west from the western end of Columbia Avenue across the Gallinas River to Valencia Street, thence west on Valencia Street to the intersection of Hot Springs Boulevard, thence south on Hot Springs Boulevard to the intersection of West National Avenue, thence west on West National Avenue to the intersection of New Mexico Avenue, thence south on New Mexico Avenue to the intersection of Moreno Street, thence east on Moreno Street to the intersection of South Pacific Street, thence south on South Pacific Street to the intersection of South Gonzales Street, thence north on South Gonzales Street to the intersection of Moreno St, thence east on Moreno St to the intersection of Paseo de Las Escuelas, thence south on Paseo de Las Escuelas, following the western boundary of the Gallinas River, crossing Prince Street, continuing along the Gallinas River, thence along

River Road to the Grand Avenue intersection, thence north on Grand Avenue to the southern boundary of the Roundhouse property on Grand Avenue, thence east along the southern boundary of said property to the railroad tracks, thence north along the railroad tracks to the point of beginning ,the intersection of the railroad tracks and East National Avenue. The above described boundaries are specifically depicted on the attached map labeled Attachment A.

2. The City Council finds that the rehabilitation, conservation, development and redevelopment of and in the Downtown Metropolitan Redevelopment Area are necessary in the interests of the public health, safety, morals and welfare of the residents of the City.

3. The City Council hereby accepts the designation report for the Metropolitan Redevelopment Area.

4. If any section paragraph, sentence, clause, word or phrase of this resolution is 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 resolution. The City Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

DONE THIS _____ DAY OF _____, 2010

ALFONSO E. ORTIZ, JR.,

**MAYOR
ATTEST:**

CASANDRA FRESQUEZ, CITY CLERK

REVIEWED AND APPROVED AS TO FORM

DAVE ROMERO JR. ESQ, CITY ATTORNEY

**CITY OF LAS VEGAS, NEW MEXICO
UNITED STATES OF AMERICA
RESOLUTION NO. 10-44**

A GOVERNMENTAL RESOLUTION STATING AN OBJECTION TO ARIZONA'S NEW IMMIGRATION LAW WHICH REQUIRES LAW ENFORCEMENT OFFICIALS TO DETERMINE THE IMMIGRTION STATUS OF ANY PERSON THAT THEY BELIEVE TO BE AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES

WHEREAS: The Arizona Legislature and Governor recently enacted Senate Bill 1070 which is called the "Support our Law Enforcement and Safe Neighborhoods Act."

WHEREAS: The law requires law enforcement officials to attempt to determine the immigration status of any person that they believe to be an alien unlawfully present in the United States.

WHEREAS: The States of New Mexico and Arizona share a long and common border and many citizens of Las Vegas, New Mexico travel to Arizona for reasons of business and tourism.

WHEREAS: A substantial portion of our local population is of Hispanic heritage with many of those having roots in northern New Mexico going back 400 years to the original Spanish explorers and the area Native Americans.

WHEREAS: The Arizona law gives the overly broad power to law enforcement officials to subjectively determine who they can stop and question based on a minimal legal standard of "reasonable suspicion".

WHEREAS: The Arizona law creates a real and powerful threat to the privacy and security of citizens who may have dark skin or dark hair or who may prefer to speak in a language other than English.

WHEREAS: Even if a citizen of Las Vegas, New Mexico is stopped legally, it is possible that under Arizona law, the New Mexico driver's license would still be considered an insufficient form of identification which could grant the Officer the power to hold or arrest the legal citizen.

WHEREAS: The potential harm and prejudice to the fundamental rights of the legal traveler would greatly outweigh the benefit which Arizona is trying to accomplish.

NOW, THEREFORE, BE IT RESOLVED THAT I, MAYOR ALFONSO E. ORTIZ, JR., AND THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, CONCLUDE:

1. The State of Arizona should reconsider the wisdom of its new law.
2. The State of Arizona should consider its neighbors to the east and the impact that the Arizona law will have on the Citizens of Las Vegas and the State of New Mexico.
3. That the City of Las Vegas, New Mexico finds that the new law is not in the best interest of its citizens and formally objects to the Arizona law called the "Support our Law Enforcement and Safe Neighborhoods Act."

DONE this _____ day of June, 2010.

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Casandra Fresquez, City Clerk

Approved as to Legal Sufficiency:

Dave Romero, Jr., City Attorney

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-Giroń | Yes | Diane Moore | Yes |

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

Continuation of Business Items

10. Conduct a Public Hearing and Approval/Disapproval to **Publish** Ordinance 10-21.

Interim Finance Director mentioned that on May 24, 2010, Council had approved Resolution 10-36 to increase gross receipts tax by ¼ % and at this time the recommendation is to conduct a public hearing and approval to publish Ordinance 10-21 an ordinance adopting a Municipal Gross Receipts Tax in the amount of one-fourth of one percent (0.25%) which will be utilized for general fund purposes.

Councilor Feldman made a motion to go into public hearing. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

Mayor Ortiz Jr. asked those who would like to testify on the item to please stand and be sworn in. Acting City Attorney Flora Gallegos swore in City Manager Dodge.

City Manager Dodge stated that he has been working sixteen months for the City of Las Vegas and in that period of time there has been two S.W.O.T. analysis that he's conducted as well as two retreats and on his second budget; one of the things that has been brought up several times is the revenue streams coming into the General Fund and this gross receipts tax is a general receipts tax that has been absent from the City's revenue streams and has been talked about and identified. City Manager Dodge feels this has been lacking from the general fund and recommends this gross receipts tax be imposed.

Councilor Gurule-Giroń asked City Manager Dodge where the money is dedicated. City Manager Dodge stated it will be used for general fund purposes,

including Public Safety, salaries, Fire Department including code enforcement positions and any general fund expenditure.

Councilor Moore made a motion to close the public hearing. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

Councilor Feldman and Councilor Moore stated they were in support of the GRT ordinance as it is needed for budget purposes as stated the previous month during budget hearings.

Councilor Feldman made a motion to approve publication of Ordinance 10-21. Councilor Moore 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 | No |
| David Romero | No | Diane Moore | Yes |
| Alfonso E. Ortiz Jr. | Yes | | |

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

11. Presentation by Red Oak Consulting/ Conduct a Public Hearing and Approval/Disapproval to **Publish** Ordinance 10-20 amending Section 9-2-10 – Services and Rates of Solid Waste Ordinance 01-9.

Utility Director Ken Garcia stated that the Utility Department has been in the process of looking at the utility rates for all the enterprises and based on the condition of the solid waste enterprise, it was requested that the utility rates for solid waste be presented prior to the other utilities. Utility Director Garcia added that the solid waste rates need to be increased to cover debt service, provide proper staffing, landfill closure and other capital improvements needed to provide solid waste service to the community. The alternative rates were suggested by Red Oak Consulting as part of the utility rate study that they conducted.

Councilor Moore made a motion to enter into public hearing. Councilor Feldman 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 |
| David Romero | Yes | Andrew Feldman | Yes |

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

Acting City Attorney Flora Gallegos swore in individuals speaking on the issue.

Utility Director Ken Garcia advised that Red Oak Consulting were hired to analyze the solid waste utility's financial status and to recommend rate adjustments as necessary, to assure the utility's continuing financial viability.

Mr. John Gallagher, Red Oak Consultant gave a power point presentation of their report including preliminary findings outlining the rate study which included three basic areas, the financial plan, the cost of service analysis and the rate design.

Mr. Gallagher continued his presentation by pointing out the study assumptions, the capital improvement program, financial plan with two scenarios; scenario 1-10 year bond payment schedule and scenario 2, 7- year bond payment schedule. Also mentioned were the revenue requirements, projected service charge revenue adjustments and proposed rates.

There were some questions and discussion from the governing body about the financial plan scenarios.

Solid Waste Manager Alvin Jiron stated that other communities shown in the presentation may own their landfill; however Las Vegas does not, therefore that is an additional cost to the City.

Mr. Bruce McAllister mentioned that the cost of the closure of the landfill is included in the rate study so there is no comparison to other communities.

Councilor Feldman made a motion to close public hearing. 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 | Diane Moore | Yes |
| David Romero | Yes | Andrew Feldman | Yes |

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

Councilor Feldman stated there was much discussion regarding this item at the Utility Committee and there was a unanimous vote to recommend the City move forward with publishing of the ordinance.

There was discussion regarding the landfill closure and City Manager Dodge recommended Council take a pro-active approach in closing the landfill correctly or the Solid Waste Bureau will eventually force the City to close it and also impose penalties.

Councilor Feldman made a motion to publish Ordinance 10-20 amending Section 9-2-10-Services and Rates of Solid Waste Ordinance 01-9. Councilor Moore 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 | No |
| Diane Moore | Yes | David Romero | No |
| Alfonso E. Ortiz, Jr. | Yes | | |

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

12. Conduct a public hearing and Approval/Disapproval of Ordinance 10-8 an Ordinance amending Section 12-5-12-8 of the Zoning Ordinance; Major Movie, Video and Similar Recording Productions.

Councilor Feldman made a motion to go into public hearing. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

Acting City Attorney Flora Gallegos swore in Community Development Director, Elmer Martinez to speak on the issue.

Community Development Director Elmer Martinez stated that Council approved Resolution 09-39 last year in response to the community's request for policies and procedures to help guide and improve the film production permitting processes. The proposed ordinance will codify these policies and procedures within the zoning ordinance. On May 19, 2010, Council gave direction to publish the proposed amendment to the zoning ordinance and give notice of public hearing.

Community Development Director Martinez advised that the proposed Ordinance is the same as the resolution approved the year prior with the exception of a couple of items that were established. There was one recommendation from the film council which was not included in the agenda packet due to the film council meeting after the packet was issued. Community Development Director Martinez handed the written recommendation to Council which was to include an exception in the language in cases where circumstances do not allow the production to submit an application at least forty-five (45) days prior to filming. They would have to have a good reason in writing that would be submitted to the City if they could not meet the 45 day requirement, the notification of neighborhood would still be required.

Community Development Director Martinez read a couple of other recommendations and asked Council if they should want to consider any of these recommendations, to please advise him and the public hearing would need to be continued, but if there are no revisions, staff recommends the approval of the amendment to the zoning ordinance.

Councilor Feldman asked if the exception added to the Ordinance would be a substantial change to require a re-publication of the ordinance. Community Development Director Martinez deferred the question to legal counsel.

Acting City Attorney Flora Gallegos stated that the recommended exception was not a substantial change; therefore the ordinance would not require another public hearing and may be considered for approval.

Councilor Moore made a motion 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 |
| Diane Moore | Yes | Tonita Gurule-Giroń | Yes |

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

After much discussion, Council agreed to continue the item and review the other recommendations prior to approving the amended ordinance.

Councilor Gurule-Giroń made a motion for continuance and re-publication with amendment of Ordinance 10-08. Councilor Moore 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 |
| David Romero | Yes | Tonita Gurule-Giroń | Yes |

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

13. Approval/Disapproval to Rescind Ordinance 10-11 amending Section 9-5-50 of Ordinance 77-10.

Utility Director Ken Garcia stated that Ordinance 10-11 was brought to Council and approved on May 19, 2010, however while preparing to implement the new rates, an error was discovered in the ordinance regarding the commercial rates. The error has been corrected and brought back to council through proposed Ordinance 10-19.

Councilor Moore made a motion for approval to rescind Ordinance 10-11. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked if there was any discussion.

City Manager Dodge advised that Ordinance 10-11 should be rescinded in the corrected Ordinance, 10-19 and should be one item, therefore he recommended disapproval of Business Item 13. After much discussion on the item, Councilor Moore withdrew her motion as well as Councilor Feldman.

Mayor Ortiz Jr. entertained a motion on Business Item #13. Councilor Feldman made a motion for **disapproval** to rescind Ordinance 10-11. Councilor Moore 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 |

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

14. Approval/Disapproval to **Publish** Ordinance 10-19 amending Section 9-5-50 of Sewer Ordinance 77-10.

City Manager Dodge advised that language rescinding Ordinance 10-11 be added to proposed Ordinance 10-19 prior to publication.

Utility Director, Ken Garcia advised that Ordinance 10-19 did in fact have the language amending Ordinance 10-11 in its entirety which means the same as rescinding.

Councilor Feldman made a motion to approve the Publication of Ordinance 10-19 amending Section 9-5-50 of Sewer Ordinance 77-10. Councilor Moore 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 | No | David Romero | No |
| Alfonso E. Ortiz, Jr. | Yes | | |

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

15. Conduct a public hearing and Approval/Disapproval to adopt Ordinance 09-18 amending Water Ordinance 84-2 Section 17-1-26 Water Conservation.

Utility Director, Ken Garcia stated that this item has had several public hearings were conducted on several occasions and requested to go into public hearing.

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

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

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

Acting City Attorney Flora Gallegos swore in Utility Director Ken Garcia, Mr. Bob Wesley and Bruce McAllister.

Utility Director, Ken Garcia advised that he has introduced all documents into the record proper at previous council meetings and did not have any other recommendations.

Mr. Bob Wesley stated that he would like the Police Chief to include the water conservation into his code enforcement to whatever extent resources are available. Mr. Wesley stated the water conservation was a good ordinance, not a perfect one but over time it will improve and asked Council to approve the ordinance.

Mr. Bruce McAllister stated that a perfect ordinance will not be found, however there are improvements to what we've had in the past and the water conservation ordinance is a good improvement because of the cost reductions. Mr. McAllister encouraged Council to support this item.

Mayor Ortiz Jr. entertained a motion to close public hearing. Council Feldman made a motion to close public hearing. 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 | Andrew Feldman | Yes |
| Tonita Gurule-Giroń | Yes | Diane Moore | Yes |

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

Councilor Moore advised that this ordinance had been published seven times and conducted five public hearings so she feels the City has made every attempt to involve, notify and incorporate public input and would like to move forward with this item.

Councilor Moore made a motion for approval to adopt Ordinance 09-18 amending Water Ordinance 84-2 Section 17-1-26 Water Conservation.

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

| | | | |
|----------------------|-----|---------------------|----|
| Diane Moore | Yes | David Romero | No |
| Andrew Feldman | Yes | Tonita Gurule-Giroń | No |
| Alfonso E. Ortiz Jr. | Yes | | |

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

City Manager advised that there were a couple of people in the audience that were not aware of the public input process that would like to address the governing body.

Mr. and Mrs. Holly mentioned they were the grandparents of the young girl, Madison Holly who was hit by a vehicle two weeks ago and she is improving slowly, however has extensive injuries that will affect her the rest of her life. They stated they were very concerned about the traffic and usage of cell phones as the driver of the vehicle was talking on his phone when he hit their granddaughter. Mr. and Mrs. Holly thanked Councilor Feldman for his phone call and Councilor Romero for his donation and the community for caring and helping each other in times of crisis.

COUNCILORS REPORTS

Councilor Moore reported that the Public Safety Meeting had a presentation regarding tasers and at the end of the meeting Chief Gold stated that the Police Department had discontinued the use of tasers and Committee members and audience were very pleased with that action.

Councilor Moore thanked the Mayor for recommending the members to the Public Safety Committee as they are all very dedicated. Councilor Moore handed out a new museum brochure and encouraged everyone to go by the Museum and lastly mentioned that the construction throughout the community is a sign of progress.

Councilor Gurule-Giroń reported that residents on Dahlia Street and Church Street were very grateful for the millings and the clean up and thanked City Manager Dodge for his efforts.

Councilor Gurule-Giroń stated that code enforcement was doing a great job and asked Mayor Ortiz Jr. if he had notified the public of the street repairs.

Councilor Feldman stated that for the most part all his comments had been placed on the Optic last Friday on the traffic problem and would like to see more police on the streets, fines enforced and would like to see the community behaving in a civilized manner that doesn't hurt anybody.

Councilor Romero commended City Manager Dodge for all the street repairs as they look so much better.

Mayor Ortiz Jr. thanked Public Works Director Carlos Ortiz for addressing the streets in the community.

EXECUTIVE SESSION/CLOSED SESSION

There were no items for Executive Session

ADJOURN

Councilor Feldman made a motion to adjourn. Councilor Romero seconded the motion. Mayor Ortiz asked for roll call vote. Roll Call Vote was taken and reflected the following:


| | | | |
|---------------------|-----|----------------|-----|
| Tonita Gurule-Giroń | 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