



CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS , NEW MEXICO 87701-4731 • 505-454-1401 • FAX 505-425-7335

ALFONSO E. ORTIZ, JR.

Mayor

**CITY OF LAS VEGAS
WORK SESSION CITY COUNCIL AGENDA
July 8, 2015–Wednesday– 5:30 p.m.
City Council Chambers
1700 N. Grand Ave**

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. MOMENT OF SILENCE
- V. APPROVAL OF AGENDA
- VI. MAYOR'S APPOINTMENTS/REPORTS
- VII. MAYOR'S RECOGNITIONS/PROCLAMATIONS
- VIII. PUBLIC INPUT (not to exceed 3 minutes per person)
- IX. CITY MANAGER'S INFORMATIONAL REPORT
- X. DISCUSSION ITEMS

1. Resolution No. 15-23, Abatement of nuisances located at 1215 Pecos Street.

Levi Lujan, Code Enforcement Officer Property noted above has several nuisances on the property. The property owner is deceased and the property has not been cleaned or maintained for over a year. Request to grant abatement.

2. Resolution No. 15-24 Abatement of nuisances located at 915 Tilden.

TONITA GURULE-GIRON
Councilor, Ward 1

VINCE HOWELL
Councilor, Ward 2

JOSEPH "JOEY" HERRERA
Councilor, Ward 3

DAVID L. ROMERO
Councilor, Ward 4

Levi Lujan, Code Enforcement Officer Property noted above has several nuisances on the property. Both property owners are deceased and the property has not been cleaned or maintained for several years. Request to grant abatement.

3. Resolution No. 15-25, Abatement of nuisances located at 710 Tilden.

Levi Lujan, Code Enforcement Officer Property noted above has several nuisances on the property. Both property owners have been sent red tags and both were returned. Red tags were also posted on the property in plain view of the sidewalk. No progress has been made on the property and the nuisances and hazards still exist.

XI. EXECUTIVE SESSION

THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

- A. Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.
- B. Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.
- C. Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.

XII. ADJOURN

ATTENTION PERSONS WITH DISABILITES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 87701

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 6-11-15

DEPT: Community Development

MEETING DATE: 7-8-15

DISCUSSION ITEM/TOPIC:

Resolution No. 15-23. Abatement of nuisances located at 1215 Pecos St.

BACKGROUND/RATIONALE:

Property noted above has several nuisances on the property. The property owner is deceased and the property has not been cleaned or maintained for over a year. Request to grant abatement.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.



SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



**ALFONSO E. ORTIZ, JR.
MAYOR**



**ELMER J. MARTINEZ
CITY MANAGER**

**ANN MARIE GALLEGOS
FINANCE DIRECTOR
(PROCUREMENT)**

**PURCHASING AGENT
(FOR BID/RFP AWARD)**

**DAVE ROMERO
CITY ATTORNEY
(ALL CONTRACTS MUST BE
REVIEWED)**

Approved to form 1-26-15

**CITY OF LAS VEGAS
RESOLUTION NO. 15-23**

A RESOLUTION DECLARING 1215 PECOS STREET WHICH IS OWNED AND CONTROLLED BY JOSE BLANCO TO BE DANGEROUS, COVERED WITH RUINS, RUBBISH, WRECKAGE AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT

WHEREAS, pursuant to Section 3-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated building, structure or premises is a menace to the public comfort, health, peace or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Community Development Department/Code Enforcement as to the condition of a parcel of land described herein, which are owned, occupied or controlled by Jose Blanco, whose address is 1215 Pecos St., according to the records at the San Miguel County Assessor's Office and described in said records as "1500 Pablo Baca Subdivision Blk 2P" (property code # 1-095-093-376-398-177

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301 Sections 6 Nuisance Declared; Littering (A); Unsanitary Premises (B); Hazardous Premises (C); Accumulation of Solid Waste (D). Items stored on the premises and visible from the public right of way in violations of City ordinances include but are not limited to papers, fiberglass, tin, Lowes basket, wood pellets, boards, plastic wraps, particle board, weeds, dead branches, and a burnt trailer. Walls on the trailer are deteriorated, collapsing and is in danger of falling unto city streets and neighbors properties.

WHEREAS, the City has posted 2 Certified Red Tags on the Property in plain view of the side walk notifying of the violation on the property. Certified mail was also sent out twice to the property owners noted above. Later findings stated he was deceased.

WHEREAS, proper notices served upon certified mail and on the property included: a Red Tag Notice of Violation on April 17, 2015; a Notice of Pending Abatement on April 27th, 2015. In the face of these notices, the nuisances remain and continue to pose a hazard to health, welfare, and safety of the public. Both Red Tags allowed for 10 days to correct the violations noted above.

NOW, THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5, NMSA, 1978, is a menace to the public comfort, health, peace or safety and requires

abatement as follows: All trailers, wreckage, rubbish and debris as described above and any other materials in violation of the Ordinance described above shall be removed from the property and properly disposed of.

B. The City shall serve a copy of this resolution on the owner, occupant or agent, including Jose Blanco, in charge of the premises as shown by the records of the County Assessors. If the owner occupant or agent in charge of the building, structure or premises cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner occupant or agent, in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas. .

D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D. NMSA 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by: giving notice of appeal to the governing body within 5 days after the determination made by the governing body; filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage and debris as provided under NMSA 3-18-5 F, the municipality may remove ruins, rubbish wreckage and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish wreckage and debris so removed and against the lots or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.

F. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____ 2015

Alfonso E. Ortiz Jr, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Dave Romero, City Attorney

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 6-11-15

DEPT: Community Development

MEETING DATE: 7-8-15

DISCUSSION ITEM/TOPIC:

Resolution No. 15-24. Abatement of nuisances located at 915 Tilden.

BACKGROUND/RATIONALE:

Property noted above has several nuisances on the property. Both property owners are deceased and the property has not been cleaned or maintained for several years. Request to grant abatement.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.



SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



ALFONSO E. ORTIZ, JR.
MAYOR



ELMER J. MARTINEZ
CITY MANAGER

ANN MARIE GALLEGOS
FINANCE DIRECTOR
(PROCUREMENT)

PURCHASING AGENT
(FOR BID/RFP AWARD)

DAVE ROMERO
CITY ATTORNEY
(ALL CONTRACTS MUST BE
REVIEWED)

Approved to form 1-26-15

**CITY OF LAS VEGAS
RESOLUTION NO. 15-24**

A RESOLUTION DECLARING 915 TILDEN AVENUE WHICH IS OWNED AND CONTROLLED BY ANTONIO AND TONI RIVERA TO BE DANGEROUS, COVERED WITH RUINS, RUBBISH, WRECKAGE AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT

WHEREAS, pursuant to Section 3-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated building, structure or premises is a menace to the public comfort, health, peace or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Community Development Department/Code Enforcement as to the condition of a parcel of land described herein, which are owned, occupied or controlled by Antonio & Toni Rivera, whose address is 915 Tilden, according to the records at the San Miguel County Assessor's Office and described in said records as "1612 Rosenwald Tr 11 Blk 2" (property code # 1-095-092-133-436).

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301 Sections 6 Public Nuisance; Unsanitary Premises 301-6(B); Hazardous Premises 301-6(C); Accumulation of Solid Waste 301-6 (D); Most Items stored on the premises and visible from the public right of way in violations of City ordinances include but are not limited to weeds, Chinese elms, blinds, metal, wood pieces, cinder block, and vines .

WHEREAS, the City has posted 2 Certified Red Tags on the Property in plain view of the side walk notifying of the violation on the property. Certified mail was also sent out twice to the property owners noted above. Later findings stated both are deceased.

WHEREAS, proper notices served upon the property owner(s) included: a Red Tag Notice on April 21, 2015; a Notice of Pending Abatement on May 12;. In the face of these notices, the nuisances have remained and continue to current date.

WHEREAS, the City of Las Vegas City Council was presented with a petition signed by 17 citizens from Tilden Avenue and the immediate neighboring area expressing their concern to the governing body as to the debris, weeds, trees, and an un-safe environmental conditions and vacant structures owned by Antonio and Toni Rivera

NOW, THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5,

NMSA, 1978, is a menace to the public comfort, health, peace or safety and requires abatement as follows: All weeds, brush, briars, metals, Chinese elms, must be removed and properly disposed of. The vacant, dilapidated buildings and their contents must be secured and the premises must be left in a clean, and safe condition, suitable for further occupancy or construction with all excavations filled.

B. the City shall serve a copy of this resolution on the owner, occupant or agent, including Antonio & Toni Rivera, in charge of the premises as shown by the records of the County Assessors. If the owner occupant or agent in charge of the building, structure or premises cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner occupant or agent, in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas. .

D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D. NMSA 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by: giving notice of appeal to the governing body within 5 days after the determination made by the governing body; filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage and debris as provided under NMSA 3-18-5 F, the municipality may remove ruins, rubbish wreckage and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish wreckage and debris so removed and against the lots or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.

F. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____ 2015

Alfonso E. Ortiz Jr, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Dave Romero, City Attorney

Work Session

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 6-11-15

DEPT: Community Development

MEETING DATE: 7-8-15

DISCUSSION ITEM/TOPIC:

Resolution No. 15-25. Abatement of nuisances located at 710 Tilden.

BACKGROUND/RATIONALE:


Property noted above has several nuisances on the property. Both property owners have been sent red tags and both were returned. Red tags were also posted on the property in plain view of the sidewalk. No progress has been made on the property and the nuisances and hazards still exist.

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ALFONSO E. ORTIZ, JR.
MAYOR

ELMER J. MARTINEZ
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ANN MARIE GALLEGOS
FINANCE DIRECTOR
(PROCUREMENT)

PURCHASING AGENT
(FOR BID/RFP AWARD)

DAVE ROMERO
CITY ATTORNEY
(ALL CONTRACTS MUST BE
REVIEWED)

**CITY OF LAS VEGAS
RESOLUTION NO. 15-25**

A RESOLUTION DECLARING 710 TILDEN AVENUE WHICH IS OWNED AND CONTROLLED BY DONALD & DAVIDA GARCIA TO BE DANGEROUS, COVERED WITH RUBBISH, WRECKAGE, WEEDS, AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT

WHEREAS, pursuant to Section 3-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated building, structure or premises is a menace to the public comfort, health, peace or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Community Development Department/Code Enforcement as to the condition of a parcel of land described herein, which are owned, occupied or controlled by Donald & Davida Garcia, whose address is 928B Nicole Place, according to the records at the San Miguel County Assessor's Office and described in said records as "1612 Rosenwald Subdivision Blk 1 of the City of Las Vegas" (property code # 1-095-092-200-471).

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301 Section 6, Nuisance Declared; Littering (A); Unsanitary Premises (B); Rubbish, wreckage, weeds, and debris on the premises are visible from the public right of way in violations of City ordinances include but are not limited to branches, cement pieces, wood, weeds in excess of 4 inches, and an electric pole presenting a potential tripping hazard to pedestrians walking in the area.

WHEREAS, the City has sent 2 Official Red Tags certified mail to the property owner, Donald & Davida Garcia (Property owner as per County Assessors). The city has also posted both Official Red Tags on the property in plain view from the sidewalk.

WHEREAS, proper notices served upon certified mail and on the property included: a Red Tag Notice of Violation on April 23rd, 2015; a Notice of Pending Abatement on May 4th, 2015. In the face of these notices, the owner has allowed the nuisances to remain and continues to maintain rubbish, wreckage, weeds, and debris on the premises. Both Red Tags allowed for 10 days to correct the violations noted above.

NOW, THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5, NMSA, 1978, is a menace to the public comfort, health, peace or safety and requires abatement as follows: All rubbish, weeds, trees, dead trees, wreckage, and any other

materials in violation of the Ordinance describe above shall be removed from the property and properly disposed of.

B. The City shall serve a copy of this resolution to the owner, occupant or agent, including Donald & Davida Garcia, in charge of the premises as shown by the records of the County Assessors. If the owner occupant or agent in charge of the building, structure or premises cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner occupant or agent, in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas. .

D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D. NMSA 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by: giving notice of appeal to the governing body within 5 days after the determination made by the governing body; filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage and debris as provided under NMSA 3-18-5 F, the municipality may remove ruins, rubbish wreckage and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish wreckage and debris so removed and against the lots or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.

F. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2015

Alfonso E. Ortiz Jr, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

David Romero, City Attorney