

**MINUTES OF THE CITY OF LAS VEGAS SPECIAL CITY COUNCIL MEETING HELD ON
WEDNESDAY, AUGUST 12, 2015 AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: David L. Romero
Vincent Howell
Tonita Gurule-Giroń
Joey Herrera

ALSO PRESENT: Elmer J. Martinez

CALL TO ORDER

Mayor Ortiz, Jr. called the meeting to order at 5:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked for a moment of silence to be thankful for all the successes in our lives and the importance of being positive to overcome the negative aspects of our lives.

APPROVAL OF AGENDA

Councilor Howell made a motion to approve the agenda as is. Councilor Romero seconded the motion.

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

Joey Herrera	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Vincent Howell	Yes

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

PUBLIC INPUT

City Manager Elmer J. Martinez advised there was no Public Input at this time.

BUSINESS ITEMS

1. Approval/Disapproval of Resolution No. 15-38 allowing Mayor and City Manager to negotiate a conservation agreement with La Morada de Santana.

City Manager Martinez explained that the agreement would be a conservation agreement facilitated by the City of Las Vegas in order to obtain a conservation easement and that it would not be a conservation easement that would be given by La Morada.

Utilities Director Ken Garcia advised that the City would like to expand Bradner Reservoir to 2,300 acre feet of storage; however, increased storage will result in drainage pooling which would impact La Morada Santana property. A conservation easement with La Morada de Santana is a means to address the issue.

Mayor Ortiz, Jr. asked Utilities Director Garcia to explain the amount of water that would held on the Morada property.

Utilities Director Garcia explained that a 200 year flood would result in pooling on the Morada property for approximately 12 minutes and informed that any rainfall event below that amount would go through the drainage and there would be no pooling of water on the Morada property.

Utilities Director Garcia used the example of; in the event of a maximum Biblical flood, the water would pool on the Morada property for approximately 9.3 hours and added that one of the key issues during a flood event would be water coming down the river at one time so therefore the pooling of water would help in

and work with La Morada members and advised that it was important to work together furthermore that La Morada members had given no indication of an agreement, if the City would execute these effects.

Mayor Ortiz, Jr. advised that the City's intentions were positive and that they respected La Morada members' privacy concerns, Religious practices and several other needs and added that the conservation agreement would benefit them as well.

Councilor Gurule-Giroñ had questions on the presented Resolution 15-38 regarding the dollar amount on the bonds used for future expansion.

Utilities Director Garcia advised that these were suggested negotiation terms and the bonds would be related to damages related to water.

Councilor Gurule-Giroñ suggested that before proceeding with the approval of the Resolution, a bond analysis would have to be completed as it had been in the past.

Mayor Ortiz, Jr. stated that he agreed with Councilor Gurule-Giroñ regarding the bond analysis but stated that he and City Manager Martinez would negotiate with La Morada and would be subject to the approval from Council with final costs regarding the bond.

Mayor Ortiz, Jr. clarified that the resolution was for permission to discuss and negotiate with La Morada and not for final approval.

Councilor Gurule-Giroñ advised that she understood it was for negotiations only but recommended including the wording to "future negotiating bonds" instead of "bonds for future expansion" on the resolution and was concerned why Utilities Director Garcia was not named on the resolution, as part of the negotiating team.

Utilities Director Garcia informed that his part of the negotiations would be inputting his recommendations to the Executive Office.

City Manager Martinez stated that they would bring in the expertise necessary to the table but it would be the Executive Office that would utilize the expertise needed in the process.

Mayor Ortiz, Jr. advised that mutual recommendations would be made among City Manager Martinez, Utilities Director Garcia and himself on final decisions.

Councilor Herrera stated that he would like to hear comments from New Mexico State Engineer's Office Representative, Richard Trujillo on the issue.

New Mexico State Engineer's Office Representative Richard Trujillo advised that the City of Las Vegas had made great efforts in meeting with La Morada members in order to give them a picture of how this project would look, how they would be impacted and also the several alternatives available.

Mr. Trujillo informed that the New Mexico State Engineer's Office felt that they needed to assist the City in educating La Morada members regarding a more technical view of the project and what the project meant to the City.

Mr. Trujillo advised that the New Mexico State Engineer had created a team to assist the City to move forward and informed that he received notification from La Morada members, stating that they were unwilling to give the City an easement but stated that the State Engineer's Office felt there was still opportunity for negotiating with tangible items brought to them and added that the conservation easement would be greatly beneficial to the entire La Morada property.

Mr. Trujillo stated that the State Engineer's Office recognizes the importance of obtaining the easement for completion of the Bradner Reservoir expansion project and advised that another issue was the protest to the permit therefore the State Engineer ordered mediation regarding the permit with hopes of mediation with everyone involved, to resolve the water situation.

Councilor Gurule-Giroń asked Mr. Trujillo to elaborate on the protest regarding the permit.

Mr. Trujillo clarified that there was a protest on the permit for Bradner Dam Reservoir by Storrie Lake Water Users Association and Acequias member Gabe Estrada but added that the State Engineer had created a mediation team to help resolve the water situation.

Mayor Ortiz, Jr. thanked the State Engineer's Office for their involvement in the matter and that their involvement was a vital part in showing La Morada members that this is also a State-wide concern.

Mayor Ortiz, Jr. stated that there were many issues that the City was dealing with however there were several options that could be exercised by the City and that they would continue to work aggressively on the easement with La Morada and move forward with the project.

Councilor Howell made a comment of the importance of going into negotiations with La Morada with respect and with hopes of being in sync with all the needs involved.

Councilor Herrera made a motion to approve Resolution 15-38 allowing Mayor and City Manager to negotiate a conservation agreement with La Morada de Santana. Councilor Howell seconded the motion.

Resolution 15-38 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 15-38**

A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, ALLOWING THE MAYOR AND CITY MANAGER TO NEGOTIATE THE TERMS OF A CONSERVATION EASEMENT WITH LA MORADA DE SANTANA.

WHEREAS, the City of Las Vegas desires to expand the capacity of Bradner Reservoir to 2300 acre feet, and

WHEREAS, the expansion will impact drainage on La Morada de Santana property, and

WHEREAS, the City respects La Morada de Santana members desire to protect their privacy and limit trespass onto their property, and

WHEREAS, the City desires to compensate La Morada for the easement, mitigate issues that may impact La Morada and to construct the project in such a way as to improve security and privacy; and

WHEREAS, during the 200 year and maximum probable rain events drainage is estimated to remain on La Morada property between 12 minutes for the 200 year flood event and 9.3 hours for the theoretical maximum probable flood event (see attachment); and

WHEREAS, flood events will not impact existing structures located on La Morada property; and

WHEREAS, the City desires to prevent construction of habitable dwellings in the drainage area by creating a conservation easement.

NOW THEREFORE, be it resolved by the Governing Body of the City of Las Vegas, New Mexico on the following that the Mayor and City Manager are authorized to enter into discussion and/or negotiation of terms and conditions for a conservation easement, **BE IT FURTHER RESOLVED** that discussion and/or negotiation and considerations are to include: legal fees incurred by Morada for the easement to be at the expense of the City; road improvements by the City; erosion control, old tire removal in arroyo to be performed by the City; construction of a security fence to be borne by the City and the placement of \$\$ in bonds for future expansion.

PASSED, APPROVED AND ADOPTED this ____ of _____, 2015.

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. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Joey Herrera	Yes
David L. Romero	Yes	Vincent Howell	Yes

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

EXECUTIVE SESSION

None at this time.

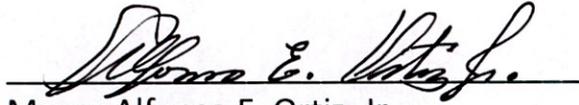
ADJOURN

Councilor Herrera made a motion to adjourn. Councilor Gurule-Giroñ seconded the motion.

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

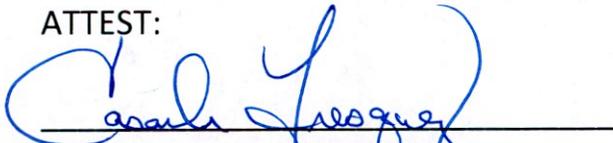
Vincent Howell	Yes	Tonita Gurule-Giroñ	Yes
Joey Herrera	Yes	David L. Romero	Yes

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



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez, City Clerk