

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON JUNE 25, 2014 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

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

ALSO PRESENT: Elmer Martinez-Acting City Manager
Casandra Fresquez-City Clerk
Dave Romero-City Attorney
Christian Montano-Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked for a moment of silence in appreciation of family and to remind everyone that the theme for the 4th of July Fiestas this year was "Family" and that we should all be thankful for the opportunity to gather with the community as one large family and work together.

APPROVAL OF AGENDA

Councilor Gurule-Giron made a motion to approve the agenda. Councilor Howell 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
Vincent Howell	Yes	Tonita Gurule-Giroń	Yes

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

APPROVAL OF MINUTES

Councilor Herrera made a motion to approve minutes for May 7, May 8-9, May 14, May 20, and May 29, 2014. Councilor Romero and Councilor Howell seconded the motion.

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

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

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

MAYOR'S APPOINTMENTS

Mayor Ortiz, Jr. advised he had a couple of recommendations but would delay until executive session if one would be held.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Ortiz, Jr. advised that Las Vegas Police Chief Christian Montano would be making a presentation.

Police Chief Montano presented Certificates of Appreciation to Mr. Joseph Ulibarri and Lt. Pam Sandoval who were instrumental in coordinating and conducting crucial training in the area of "Interaction with persons with mental impairment" for the City of Las Vegas Police Department.

Police Chief made a presentation of Certificates of Recognition to the following participants in the Tri-County Children's Safe-room and Alta Vista Sexual Assault Nurses Examiners (SANE) Program; Ms. Terri Pierce; Executive Director Tri-County Family Justice Center and Tri-County Children's safe-room, Ms. Alicia Romero, RN, Mrs. Alicia Montano, RN, Ms. Nichole Gallegos, RN, Ms. Kimberly Blea; Director of Highlands University (HU) Cares Center for Advocacies Resources Education & Support, Ms. Corrine Dominguez; New Mexico Behavioral Institute Crisis Response Advocacy, Mrs. Julie K. Vigil-Romero; Taos children's Safe-Room Director and Lieutenant Pamela Sandoval, Las Vegas Police Department.

Mayor Ortiz, Jr. thanked all the organizations for their availability to the community and the importance of their services. Mayor Ortiz, Jr. reminded council of several events taking place such as the Tour of the Watershed meeting at the Skating Pond and the invitation to the La Plaza Little League District Tournament Opening Ceremonies. Mayor Ortiz, Jr. also spoke briefly on reasoning for his travels and expenses concerning the funding for Bradner Dam Water Project and several other projects taking place throughout the city.

Councilor Howell advised that he appreciated the efforts that Mayor Ortiz, Jr. has made in moving the city forward and added that the return on the city's investments has been positive.

Discussion took place on several issues concerning the reasoning for the amount of funding for travel expenses for Mayor Ortiz, Jr., as well as questions concerning the effect it would have on the budget.

Finance Director Ann Marie Gallegos advised she would obtain a report to council regarding transfers on the budget for the travel expenses.

PUBLIC INPUT

Mrs. Joan Krohn spoke about the importance of activism in the community regarding the organizations that were earlier presented for their recognition and what a positive effect it has on the community.

Mr. Bob Wessley thanked Mayor Ortiz, Jr. on his willingness of traveling and that it comes with stressful situations and he added that Mayor Ortiz, Jr. was praised by the NM State Engineer to Mr. Wessley at a Water Conference in Albuquerque for the work he was doing for the City of Las Vegas.

FINANCE REPORT

Finance Director Ann Marie Gallegos presented the finance report ending May 31, 2014. Finance Director Gallegos advised the General Fund collected ninety five percent which is slightly over of what was projected and expenditures were at eighty five percent. Revenues for Recreation Department were at eighty eight percent, showing a decline due to the closing of the swimming pool and expenditures were at ninety two percent. Enterprise Funds revenue was at ninety two percent and expenditures came in at eighty two percent.

Councilor Gurule-Giroń had questions concerning waste water and how balancing the budget would be addressed before the fiscal year.

Finance Director Gallegos addressed the questions and concerns brought up by Councilor Gurule-Giroń.

Councilor Herrera advised he had recently attended a Finance Committee meeting and he made a recommendation to create an open book policy regarding the Finance Budget that would be available to the Finance Advisory Committee in the near future.

Discussion took place about several suggestions that might be used by the Finance Advisory Committee and their input concerning the budget.

Mayor Ortiz, Jr. commended Acting City Manager Elmer Martinez on the job he was doing as City Manager.

BUSINESS ITEMS

Consent Agenda

City Clerk Fresquez read the consent agenda Business Items into the record to include Business Items one through five.

1. Approval for Out of State travel for three (3) Fire Department Personnel.
2. Approval of Resolution 14-38 Imposing restrictions on the sale or use of fireworks within the City of Las Vegas.

Resolution 14-38 was presented as follows:

RESOLUTION No. 14-38

PROCLAIMING HAZARDOUS FIRE CONDITIONS AND SEVERE DROUGHT CONDITIONS IN THE CITY OF LAS VEGAS NEW MEXICO THAT ENDANGER THE HEALTH SAFETY AND WELFARE OF THE CITIZENS; IMPOSING RESTRICTIONS ON THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF LAS VEGAS NEW MEXICO.

WHEREAS, the Council has held a hearing pursuant to Section 60-2C-8.1, NMSA 1978 and determined that fireworks restrictions should be imposed within the City of Las Vegas based on current drought indices published by the National Weather Service; and

WHEREAS, the National Weather Service has recorded significant precipitation deficits; and

WHEREAS, the National Weather Service has declared that exceptional drought conditions exist throughout North East New Mexico including the Las Vegas area; and

WHEREAS, in a letter to local leaders dated May 12, 2014, The Governor of the State of New Mexico states, the possibility of high fire danger, drought conditions, high winds, and warm temperatures will likely lead to another summer of increased wildfire risk in many parts of New Mexico. In these conditions, we cannot afford to have even one careless, human-caused fire; and

WHEREAS, the affected drought area consists of all areas within the municipal boundaries of the City of Las Vegas and includes all lands for which the City has assumed control or management by lease, easement, or legal agreement; and

WHEREAS, the rapidly escalating danger of range fires, grass fires, forest fires and structure fires is high in and around the City, and the probability of ignition of materials

likely to serve as fuel for fire is presently extremely high in and around the City limits;
and

WHEREAS, the 4th of July weekend presents a greatly increased fire risk because of the widespread use of fireworks; and

WHEREAS, the Governor has urged local leaders to consider increased restrictions on the use of fireworks; and

WHEREAS, the Governing body of the City of Las Vegas also discourages the sale and use of all fireworks; and

WHEREAS, pursuant to Sections 60-2C-8.1 NMSA 1978, as amended, and Chapter 238-16 of the City of Las Vegas Code Book, the City Council is authorized to ban the use of all fireworks within the boundaries of the municipality that are ground audible devices, including chasers and fire crackers, or aerial devices, including but not limited to aerial shell kit-reloadable tubes, aerial spinners, helicopters, mines, missile-type rockets, multiple tube devices, roman candles, shells, and stick-type rockets, and is authorized to ban the use of all fireworks in Wildlands and open space areas; and

WHEREAS, Sections 60-2C-1 et seq., NMSA 1978 authorize the City Council to limit the use of any permissible fireworks to only those areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF LAS VEGAS:

Section 1. PROHIBITIONS:

The Council therefore proclaims that an emergency situation currently exists within the City of Las Vegas, that the dry, windy conditions and high fire hazard represent a significant and immediate threat to the safety, health and welfare of the citizens of the City of Las Vegas. It is further proclaimed that severe drought conditions exist and are likely to be present throughout the months of June and July. Therefore, pursuant to this proclamation, the following are prohibited within the City of Las Vegas:

A. The use of any fireworks within Wildlands, as defined by Section 60-31 2C-2, NMSA 1978.

B. The sale and use, within the municipal limits of Las Vegas, of ground audible devices and aerial devices.

Section 2. RESTRICTIONS:

The following restrictions for all fireworks not otherwise prohibited are imposed: use of permissible fireworks shall be limited to areas that are paved or barren or that have a readily accessible source of water for use by the homeowner or the general public.

Section 3. EXEMPTION:

Nothing within this resolution shall prohibit public displays of fireworks as defined in Chapter 238-4 of the City of Las Vegas Code, so long as those displays are in strict conformance with the requirements and conditions for public displays as set forth in that ordinance and as approved by the City of Las Vegas Fire Chief.

Section 4. NOTICE OF PENALTIES:

Any individual, firm, partnership or other entity found violating Chapter 238 shall be subject to Chapter 238-11 of the City of Las Vegas Code, shall upon conviction, be subject to a mandatory fine not to exceed \$500. Each separate violation shall constitute a separate offense and upon conviction, each day of violation shall constitute a separate offense.

Section 5. SEVERABILITY CLAUSE:

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

Section 6. EFFECTIVE DATE AND TERM:

This resolution shall remain in effect until the City Fire Chief determines that the fire danger has been alleviated or for a period of 30 days after its effective date, whichever comes first. The Council is authorized to extend this resolution for additional 30 day periods if such conditions continue and such restrictions are deemed necessary to protect the public health, safety and welfare of the citizens of Las Vegas.

NOW THEREFORE BE IT RESOLVED by the City Council, the Governing Body of the City of Las Vegas hereby adopts this resolution to secure the public health, safety, convenience and welfare of its citizens.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2014

CITY OF LAS VEGAS

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO FORM:

Dave Romero, City Attorney

3. Approval to utilize funding through the Department of Finance and Administration for the E-911 system for Las Vegas Police Department and Department of Public Safety District 2.
4. Approval to apply for funding through the Department of Justice for the Las Vegas Police Department and San Miguel County Sheriff's Office.
5. Approval of Resolution 14-35 to submit an application for funding assistance and a proposal to the New Mexico State Forestry Division for the purpose of restoring the watershed.

Resolution 14-35 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION #14-35

A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION AND PROPOSAL FOR WATERSHED RESTORATION FUNDING BY THE NEW MEXICO STATE FORESTRY DIVISION.

WHEREAS, the City of Las Vegas requests consideration from the New Mexico State Forestry Division of our application for the Watershed Restoration funding to improve the health and safety of the Gallinas watershed to mitigate the potential for catastrophic wildfire and to secure a more certain and sustainable water supply to the state's citizens through hazardous fuel reduction treatment; and

WHEREAS, the City is appreciative of your considering the City for this funding opportunity for thinning near the Peterson and Bradner reservoirs that supply domestic water to the City of Las Vegas; and

WHEREAS, the City acknowledges that there is a need for continued treatment on the City-owned portion of the Gallinas Watershed; and
 WHEREAS, currently, these watershed areas are at risk from wild land fire due to fuel load; and
 WHEREAS, ongoing drought conditions have accentuated the possibilities of fires; and
 WHEREAS, fire in these particular areas would first and foremost threaten the City's source of domestic water, and would also impact the citizens of Las Vegas and the surrounding communities; and
 WHEREAS, in 2002 the City of Las Vegas completed environmental clearances to implement fuels reduction and maintenance projects within the Gallinas Watershed on over approximately 991 acres (*City of Las Vegas, New Mexico Forest Management and Maintenance Plan*); and
 WHEREAS, to date, 150 acres have been thinned, and there are still areas that remain densely stocked and currently pose a threat of wildfire; and
 WHEREAS, through collaborative efforts with the NM State Forestry Division in protecting the forest and watershed areas surrounding the City's water, the City envisions a way to provide the needed protection conducive to healthy forests and watershed; and
 WHEREAS, the City will not incur any costs regarding this project.
 NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Las Vegas that the attached application and proposal be submitted for watershed restoration to protect the City's reservoirs.

(Signature Page to Follow)

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2014.

 Mayor Alfonso E. Ortiz, Jr.

Attest:

 Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY

 Dave Romero Jr., City Attorney

Councilor Gurule-Giroń made a motion to approve consent agenda as read into record. Councilor Romero and Councilor Howell seconded the motion

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

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

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

6. Approval/Disapproval to Award Bid #2014-24 for Employee Uniforms and Work Shoes to Popular Dry Goods.

Utilities Director Ken Garcia advised as per AFSCME contract #2494-12, the City of Las Vegas is to provide a complete set of uniforms to union uniforms and work shoes. This bid will be used by all City Departments to purchase uniforms and work shoes. Popular Dry Goods was the sole bidder.

Councilor Herrera made a motion to approve to award Bid #2014-24 for Employee Uniforms and Work Shoes to Popular Dry Goods. Councilor Gurule-Giroń seconded the motion.

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

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

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

Discussion took place on several items concerning the Water Trust Board applications and the eligibility for funding for the City of Las Vegas Utilities Water Department.

COUNCILORS' REPORTS

Councilor Gurule-Giroń expressed her thanks to Acting City Manager Martinez for addressing some of the issues on the streets that had been documented in the past.

Councilor Romero recommended addressing issues in his ward by touring the affected areas with Acting City Manager Martinez.

Mayor Ortiz, Jr. thanked the governing body for sharing all their ideas, working together and he expressed his support to council for staying on a positive path.

Councilor Herrera advised he was getting some negative feedback from the community but he expressed his thoughts on how the governing body has been working together in a positive manner even though everyone has different opinions.

EXECUTIVE SESSION

Mayor Ortiz, Jr. advised there was a need for Executive Session related to personnel matters concerning Acting City Manager.

Councilor Gurule-Giroń made a motion to convene into executive session. Councilor Herrera seconded the motion.

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

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

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

RECONVENE INTO REGULAR SESSION

Councilor Herrera made a motion to reconvene into regular session. Councilor Gurule-Giroń seconded the motion.

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

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

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

Mayor Alfonso E. Ortiz advised that the item discussed in executive session was personnel matters regarding the salary of Acting City Manager Elmer Martinez. Mayor Ortiz, Jr. made a recommendation to grant Acting City Manager Martinez a salary set at seventy five thousand twenty four dollars (\$75,024.00).

Acting City Manager Martinez thanked the governing body for their support and advised it was a pleasure to serve the City of Las Vegas and would continue to work hard in helping to improve the community.

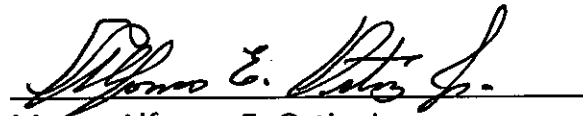
ADJOURN

Councilor Gurule-Giroń made a motion to adjourn. Councilor Romero seconded the motion.

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

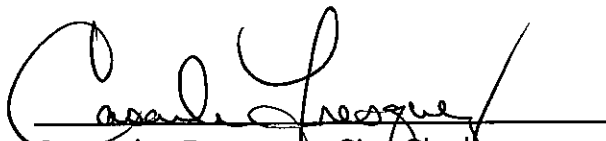
Vincent Howell	Yes	Joey Herrera	Yes
David L. Romero	Yes	Tonita Gurule-Giroń	Yes

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



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez, City Clerk