

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON AUGUST 20, 2014 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: Joey Herrera-Absent (Illness)
Tonita Gurule-Giroń
David L. Romero
Vincent Howell

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

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:20 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked to devote a moment of silence in memory of our loved ones who have departed and to appreciate our time on earth which allows us to do more for our families. Mayor Ortiz, Jr. also asked for a moment of silence in memory of Mr. Patell (owner of the Regal Hotel) who had recently passed away.

APPROVAL OF AGENDA

Councilor Gurule-Giroń made a motion to approve the agenda with the recommended changes to remove the presentation by Ed Toms with URS and to place Business Items #3, #4, #5, #6, #7 and #8 on consent agenda. Councilor Romero seconded the motion.

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

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

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

APPROVAL OF MINUTES

Councilor Howell made a motion to approve the minutes for July 9th, 16th and 28th 2014. Councilor Tonita Gurule-Giroń and Councilor Romero seconded the motion.

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

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

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

MAYOR'S APPOINTMENTS

None at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Ortiz, Jr. advised that the City of Las Vegas Retirees Presentation would not take place since the three retirees could not attend the meeting and a letter of appreciation and plaque would be sent to them. Mayor Ortiz, Jr. recommended that they be recognized for their committed service to the City of Las Vegas.

City Clerk Fresquez recognized the following retired employees in appreciation for their dedication and loyal service to the City of Las Vegas:

Gerald Garcia-Zoning & Licensing Supervisor-Retired on May 30, 2014 -27 Years of Service

Carlos Ortiz-Public Facilities Director-Retired on June 6, 2014-26 Years of Service

Mack Allingham-Police Commander- Retired on June 27, 2014-20 Years of Service

Mayor Ortiz, Jr. expressed his gratitude to the three retirees for their dedicated service with the City of Las Vegas.

Acting City Manager Elmer Martinez took this opportunity to publicly thank Gerald Garcia for his service and whom he worked closely with in the Community Development Department. Acting City Manager Martinez also recognized Carlos Ortiz and Mack Allingham for their hard work and publicly thanked all three retirees on behalf of the City Manager's Office.

Mayor Ortiz, Jr. advised that he spoke with Utilities Director Ken Garcia and Acting City Manager Elmer Martinez about conducting a workshop that would update the community on all aspects on water issues and he also spoke briefly on several projects concerning the Bradner Dam Project.

PUBLIC INPUT

Mr. Steven Garcia expressed his concerns about fast drivers and drivers not stopping at the stop signs in the area of Tecolote and Salazar Streets.

Mayor Ortiz, Jr. advised that sadly fast driving and not stopping at stop signs occurs throughout the city and asked Commander Juan Montano to take note of the situation on Tecolote and Salazar Streets.

FINANCE REPORT

Finance Director Ann Marie Gallegos presented the finance report ending July 2014. Finance Director Gallegos advised that the General Fund expenditures

were at seven percent, just one percent higher than expected due to the overtime used for 4th of July Fiestas and revenue was at six percent.

Councilor Gurule-Giroñ had questions regarding Inter-Governmental Funds, expenditures for Finance Department, Animal Shelter and several other concerns with the finance report.

Finance Department Director Gallegos addressed the questions and concerns about the various expenditures.

Brief discussion took place concerning funding for repairs at the Abe Montoya Recreation Center.

Councilor Howell had questions and budget concerns regarding Parks Department, Animal Shelter and Library as well as several other expenditures.

Finance Director Gallegos and Acting City Manager Martinez addressed all questions and concerns brought up by Councilor Howell.

Finance Director Gallegos advised the Recreation Department brought in seven percent of their revenues and eight percent on their expenditures. Enterprise Funds came in at seven percent of their revenues and expended two percent of their budget.

Councilor Gurule-Giroñ asked if a comparison had been conducted on revenue for Enterprise Funds in the last three years.

Finance Director Gallegos advised that there hadn't been a study done but that she would conduct a comparison for the Enterprise Fund.

Councilor Howell had questions on percentages of the community who cannot pay their utilities and was also concerned about the County Tax Increase affecting the city's budget.

Utilities Director Garcia clarified the process of delinquent notices, shut off notices and payment arrangements that are available for the community.

Finance Director Gallegos advised that the County Tax Increase would not affect the city's budget.

Finance Director Gallegos reported for the record that the City of Las Vegas received a letter on August 9, 2014 from the State of New Mexico Department of Finance and Administration approving the final budget for Fiscal Year 2014-2015.

BUSINESS ITEMS

1. Conduct a Public Hearing and Approval/Disapproval of Resolution 14-59 adopting the 2016-2020 Infrastructure Capital Improvements Plan.

Acting City Manager Martinez advised the Department of Finance, Local Government Division recommends that municipalities prepare and submit an ICIP in order to plan the systematic allocation of funds and also enable the executive branch of state government to propose a rationale ICIP to the legislature for funding. The deadline for submittal is September 2, 2014.

Councilor Gurule-Giroń made a motion to go into public hearing. 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	Absent

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

City Attorney Dave Romero asked all who wished to speak to stand and be sworn in. There was no one that wished to speak.

Councilor Gurule-Giroń moved to close public hearing and to reconvene into regular session. Councilor Howell seconded the motion.

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

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

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

Councilor Gurule-Giroń made a motion to approve Resolution 14-59 adopting the 2016-2020 Infrastructure Capital Improvements Plan. Councilor Howell and Councilor Romero seconded the motion.

Resolution 14-59 was presented as follows:

CITY OF LAS VEGAS

RESOLUTION No. 14-59

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITOL IMPROVEMENTS PLAN (ICIP)

WHEREAS, the municipality of Las Vegas recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in time of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS that:

1. The City of Las Vegas has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure, and
3. This Resolution supersedes Resolution No. 13-45

PASSED, APPROVED AND ADOPTED this _____ day of _____.

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

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

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

2. Approval/Disapproval of Resolution 14-61 Expressing gratitude to the New Mexico Congressional Delegation for their support.

Utilities Director Garcia recognized the following Congressional Delegation Representatives:

Patricia Dominguez- Office of Senator Martin Heinrich
Pamela Garcia – Office of State Representative Ben Ray Lujan
Carlos Sanchez – Office of Senator Tom Udall

Utilities Director Garcia advised the City of Las Vegas has received exceptional support from the State of New Mexico Congressional Delegation of the Bradner Dam Enlargement project. Through this resolution, the City would like to express their sincere appreciation and gratitude to the NM Congressional Delegation for its continued support. Utilities Director Garcia read the resolution in its entirety.

Congressional Delegation Representative Patricia Dominguez spoke on behalf of Senator Heinrich to express his gratitude for the opportunity to serve the community of Las Vegas. Congressional Delegation Representative Pamela Garcia

offered congratulations from Congressman Lujan and recognized all the hard work involved in this project. Congressional Delegation Representative Carlos Sanchez relayed best greetings from Senator Tom Udall and to express how pleased he was that the waiver was granted and how proud he was to serve the people of Las Vegas and San Miguel County.

Mayor Ortiz, Jr. offered his gratitude on behalf of the City of Las Vegas, to each member of the Congressional Delegation for their help and support to the City of Las Vegas on the Bradner Dam Enlargement Project.

Councilor Gurule-Giroñ made a motion to approve Resolution 14-61 Expressing gratitude to the New Mexico Congressional Delegation for their support. Councilor Romero seconded the motion.

Resolution 14-61 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 14-61**

A RESOLUTION OF THE CITY OF LAS VEGAS, NM EXPRESSING GRATITUDE TO THE NEW MEXICO CONGRESSIONAL DELEGATION FOR THEIR SUPPORT OF THE BRADNER DAM ENLARGEMENT PROJECT.

WHEREAS, on September 13, 2011 through Resolution Number 11-57 the City of Las Vegas adopted a comprehensive Preliminary Engineering Report for the City's water system to analyze and address the City's requirement to reliably deliver sufficient water at an acceptable quality for years to come in a cost constrained environment; and

WHEREAS, on September 28, 2012 through Ordinance Number 12-13 the Governing Body amended water rates to partially fund the water systems improvements outlined in the PER related to water quality, storage, conveyance and supply; and

WHEREAS, The City anticipated the need for more funding for this project and City officials met with the Congressional delegation in Washington D.C. on November 20, 2013 to discuss this project and the dire need for support; and

WHEREAS, on December 19, 2012, through Resolution Number 12-66 the City of Las Vegas amended its infrastructure capital improvements plan to make the Bradner Dam Enlargement project its top priority; and

WHEREAS, on December 11, 2013, through Resolution Number 13-56 the City of Las Vegas adopted the engineer recommended alternative for the Bradner Dam Enlargement project into the City's PER; and

WHEREAS, on December 19, 2012, through Resolution Number 12-65 the City applied for 4 million dollars in funding assistance to the Drinking Water State Revolving Loan Fund for planning and design of the Bradner Dam Enlargement project; and

WHEREAS, on August 21, 2013, through Resolution Number 13-39 the City established financial policies to manage water funds to ensure reserve borrowing capacity for this project; and

WHEREAS, on May 20, 2014 through Resolution 14-27 the City applied for and was awarded 4 million dollars in funding support from the New Mexico Water Trust Board for this project; and

WHEREAS, on June 16, 2014, through Resolution Number 14-39 the City has applied for funding from the New Mexico Finance Authority under the United States Environmental Protection Agency Drinking Water State Revolving Loan Fund up to 20 million dollars for this project; and

WHEREAS, on July 16, 2014, through Resolution Numbers 14-41 and 14-42 the City entered into agreement with the New Mexico Office of the State Engineer for a combined total of 10 million dollars in funding assistance awarded through the 2014 Legislative session; and

WHEREAS, in their letter dated April 22, 2013, the Environmental Protection Agency recognizes that dams are not typically authorized under the Drinking Water State Revolving Loan Fund program, they realized the importance of the Bradner Dam to the City's drinking water system and have required that the City apply for a waiver for funding; and

WHEREAS, on June 30, 2014 the City responded to the New Mexico Finance Authority with additional documentation supporting its SRF application; and

WHEREAS, on July 21, 2104 the New Mexico Finance Authority provided the Environmental Protection Agency with its determination that the City is eligible for State Revolving Loan Funding and requested a USEPA deviation due to the length of time it could take the Environmental Protection Agency to determine State Revolving Loan Funding eligibility; and

WHEREAS, the Congressional Delegation expressed its support to the United States Environmental Protection Agency on August 14, 2014 for the project and the waiver; and

WHEREAS, the City realized that City, State and Federal financial support is critical to completing a project of this magnitude.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas that the City extends its sincere gratitude and appreciation to the Congressional Delegation for their letter and continued support on this very important and critical project.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____.

CITY OF LAS VEGAS

Mayor Alfonso E. Ortiz, Jr.

(Seal)

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero Jr., City Attorney

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

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

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

Discussion took place of the significance of the waiver and the importance of the different funding sources which included the Legislature, Water Trust Board and SRF Funding and how it is a lengthy process.

Mayor Ortiz, Jr. advised that the City of Las Vegas is paving the way for other communities that might have to deal with the same water issues and expressed the importance of water and what a precious resource it is.

CONSENT AGENDA

City Clerk Fresquez read the consent agenda Business Items into the record to include Business Items #3 through #8.

3. Ratification of Appointment of Chris Cavazos as Interim Public Works Director until such time position is filled.

4. Approval of Resolution 14-54 Disposing of Obsolete Property.

Resolution 14-54 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION 14-54
OBSOLETE EXCESS PROPERTY

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a need for disposition of items deemed unusable; and

WHEREAS, the City of Las Vegas is proposing to auction, bid out and/or sell off obsolete equipment including items that have been fully depreciated, to include scrap metal, and dispose of other items deemed unusable; and

WHEREAS, a request will be submitted to Department of Finance and Administration for approval to auction, bid out and/or sell off surplus and obsolete equipment including scrap metal; and

WHEREAS, a notice of sale will be submitted to Office of the State Auditor for informational purposes; and

WHEREAS, the sale of identified surplus property will be held in FY 2014-2015; and

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the sale of obsolete equipment, scrap metal, and/or surplus equipment respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 20th day of August, 2014.

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero, City Attorney

5. Approval to Publish Ordinance 14-05 Imposing a two (2) year moratorium the submission consideration or approval of applications for conditional use or special

use permits or variances for wireless communications facilities within the City of Las Vegas.

6. Approval for Out of State travel for Ben Maynes, City of Las Vegas Building Inspector.

7. Approval for City of Las Vegas to enter into Encroachment agreement with Ms. Isabel Saavedra and/or future owners of 1408 South Pacific Street.

8. Approval of Resolution 14-58 authorizing application to the New Mexico Department of Transportation Transit and Rail Division for a Public Rural Transportation Grant.

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

Resolution 14-58 was presented as follows:

CITY OF LAS VEGAS

Resolution No. 14-58

A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TRANSIT AND RAIL DIVISION FOR A PUBLIC RURAL TRANSPORTATION GRANT

WHEREAS, the City of Las Vegas Transportation Service—Meadow City Express was designated a public rural transportation system in 1995; and

WHEREAS, since that time the City of Las Vegas—Meadow City Express has applied for New Mexico Department of Transportation--Transit and Rail Division monies (Administrative, Operating and Capital) on an annual basis to operate Meadow City Express, a Public Rural Transportation system in Las Vegas, New Mexico; and

WHEREAS, the City of Las Vegas-Meadow City Express intends to submit an application for a Federal FY 2015 Section 5311 Public Transportation Grant; and

WHEREAS, the application is due September 5, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS that the City of Las Vegas hereby authorizes the submittal of an application to the New Mexico Department of Transportation Transit and Rail Division for a Section 5311 Public Rural Transportation Grant.

PASSED, APPROVED and ADOPTED by the Governing Body at its meeting of

August _____, 2014

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

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

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

COUNCILORS' REPORT

Councilor Howell expressed how excited he was about the city moving forward and working together in taking care of the issues at hand.

Mayor Ortiz, Jr. added that he appreciated the governing body for their hard efforts and working well together to resolve these issues.

Acting City Manager Martinez wished to thank City Planner Matt Griego for the help he gave with preparing and submitting the ICIP for funding.

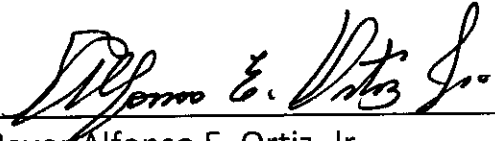
ADJOURN

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

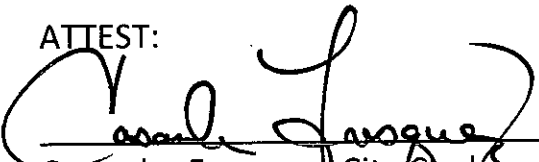
Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

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

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



 Mayor Alfonso E. Ortiz, Jr.

ATTEST:


 Casandra Fresquez, City Clerk