

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD  
ON WEDNESDAY, MARCH 16, 2016 AT 6:00 P.M. IN THE CITY COUNCIL  
CHAMBERS**

**MAYOR:** Alfonso E. Ortiz, Jr.

**COUNCILORS:** Barbara A. Casey  
Tonita Gurule-Giroñ  
David L. Romero – Absent  
Vincent Howell

**ALSO PRESENT:** Elmer J. Martinez – City Manager  
Casandra Fresquez – City Clerk  
Dave Romero – City Attorney  
Juan Montano – Sergeant at Arms

**CALL TO ORDER**

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

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Ortiz, Jr. asked for a moment of silence to recognize that blessings never end and to take the opportunity to utilize those blessings for the greater good. Mayor Ortiz, Jr. once again, welcomed Councilor Barbara Perea Casey.

City Manager Martinez made a recommendation to remove Business Item #2 from the Consent Agenda for the reason that more research needed to be done regarding the water line extension and added that there were also some

environmental concerns. City Manager Martinez advised that it was to ensure they were in compliance with the ordinance and stated it would be brought back to Council.

### **APPROVAL OF AGENDA**

Councilor Casey made a motion to approve the agenda with the recommended change of removing Business Item #2. Councilor Howell seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giron	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David L. Romero	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 February 10<sup>th</sup>, 16<sup>th</sup>, and February 29<sup>th</sup>, 2016. Councilor Gurule-Giron seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Vincent Howell	Yes
Tonita Gurule-Giron	Yes	David L. Romero	Absent

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

### **MAYOR'S APPOINTMENTS/REPORTS**

City Manager Martinez informed that at the last Council meeting, a decision was made to reach out to the Rio Gallinas Acequias Association after input was heard regarding their concerns.

City Manager Martinez advised that a process had been started, to develop dialogue with the Rio Gallinas Acequias Association and added that one of the first steps was to allow them to make a presentation before Council, outlining their issues in order for the Governing Body to clearly understand the issues.



City Manager Martinez advised that they would move forward with additional evaluation processes, Public Input and then bring those issues back to Council. City Manager Martinez cautioned that there was a legal process still in effect, which has not been suspended and added that it was necessary to hear the points in order to develop methods and approaches to come to a resolution.

Mayor Ortiz, Jr. explained that the presentation given by the Rio Gallinas Acequias Association members would be for clarification of concerns, with hopes of collaboration between the two parties to meet the needs and concerns at hand.

Rio Gallinas Acequias Association Representative, Victor Cozens read a statement on behalf of the 11 member Rio Gallinas Acequias Association with hopes of informing Mayor and Council of concerns, and to offer some history that may help in future negotiations.

The statement read as follows:

***In 2004 the Supreme Court overturned the ruling that recognized the Pueblo Doctrine and remanded the case to District Court with instructions to the court to seek a solution that would provide an equitable remedy. One that would strike an appropriate balance between the reliance interests of the City, the reliance interests of other water users and the regulatory interests of the State Engineer. Today this litigation continues in what we know as the Remand.***

***City's lawyers argue that an equitable remedy for the City would be to award an 1835 priority for a portion (1200 acre feet) of the City's already adjudicated water rights. The current adjudicated priority is January 1, 1881. We disagree.***

***In exchange for this earlier priority, the City has offered to pay the acequias one million dollars if the acequias would accept this settlement. According to the City's attorney the eleven community acequias could divide and use the money as the acequias wished. Some suggestions made were to make improvements to the acequias or to use the money to pay the legal expenses of the acequias. The acequias have rejected the offer and have stated that it is the acequias' seniority that protects them.***



*The acequias believe litigation is not the answer and have offered the sharing of water as a better solution. It is the custom of the acequias to share available water and we have in the past agreed to share water with our community regardless of priority. This willingness to share water has helped our community make it through a recent period of drought that compared to the drought of the 1950's.*

*Two previous legal rulings in the same District Court have already rejected the 1835 priority date claimed. Publicly we have heard from city staff and Mayor Ortiz that the only reasons the 1835 priority claim is needed to protect our community against a priority call and to use it against the acequias if necessary.*

*For years the acequia leadership has attempted to work with our community to share water. Hundreds of hours at meetings and hearings have been expended toward that effort. However today we still find ourselves in litigation and have not come to some resolution. We have spent millions of our tax dollars on this litigation without resolution.*

*While we could certainly use the million dollars offered, it is not enough to accomplish improvements your experts have suggested. Even if we had the millions to make those improvements, it would take years to accomplish this.*

*We are not here today to resolve this litigation, but we are here to inform you our differences may be resolved and how further litigation can be avoided if we can work together.*

*The acequias believe solution includes a withdrawal of the community's claim to bring an end to the litigation. Developing a sharing agreement that meets the needs of all parties is needed as well. Sharing has been done before and can be done again. Let us not forget that the lawyers work for us and that this is our community. Together, we can work for the betterment of the entire community if we are included.*

*Litigation in most cases can be avoided if productive discussions and agreements can be reached. The current administration has not seen it necessary to involve all the share holders in the development of storage option for the City.*



*This lack of participation during the planning and negotiation process leaves the acequias with little recourse to protect their interests. We are left with the filing of protests through the permit process to force disclosure of those projects and more legal cost may be the only option for us. This route would continue to feed litigation efforts of the attorneys for years to come and delay many projects. We may avoid this litigation through a negotiation process prior to the submission of permit applications for expansion of storage.*

*While we generally support the idea of increased storage, we wonder about the benefit and impact to our community and the acequias if water in storage is not used, as has been the case in the past.*

*Any management agreement reached now must be able to protect all parties now and in the future. The challenges we face are many when it comes to water. Discussion and not litigation is perhaps the best approach.*

*Challenge your attorney to explain to our community why and how this litigation is necessary and good for us. Recognize the negative impacts this endless litigation has already had on the entire community. Acknowledge that our community has benefited for years at the expense of the families along the acequias, whose water has been taken. Understand the economic benefits as well as the health benefits of a vibrant agricultural economy for Las Vegas.*

*The issues and concerns are many. We must trust and continue to seek resolution without litigation and division of our community. Help our community and families develop that agricultural capacities to grow an economic environment that will benefit everyone, while providing water for the community. Let's bring this litigation to an end. Let's do what should have been done in the first place over six decades ago; involve all shareholders when changes in water management are necessary.*

*As we work together to rebuild our relationship, there are some areas where we can work to solve immediately. For example, the Acequia Madre de Los 33 has for many years struggled with clogged culverts on 8<sup>th</sup> Street and the Palo Verde Sub-division. The City has helped in some years by using the Vac-Truck to force debris and trash out; however the acequia believes that those culverts need to*



***be replaced. Thus, far the City has not taken action to replace the culverts. Litter and trash issues exist and perhaps this is another area where our joint effort may help. These issues exist around schools and in the downtown area along the Acequia Madre de Las Vegas.***

***In closing, we thank you for allowing us to address you and we look forward to having meaningful and honest discussions as to how we can work together to solve our water issues. Litigation is not the answer!***

Mr. William Gonzales stated that the Acequias were here to ask to be involved in any planning projects regarding water and added that it impacted the Acequias and other parties as well. Mr. Gonzales advised that the Acequias Association felt that their exclusion in discussions was in many ways keeping the City and the Acequias apart. Mr. Gonzales explained the importance of collaborating on ensuring a sharing agreement supporting agriculture and added that it would make great strides in resolving their issues. Mr. Gonzales stated that the Acequias acknowledged the significance in water storage to benefit the community, if the water is used.

Mayor Ortiz, Jr. described the water storage as insurance and explained that water would be available when needed and could be utilized for agricultural purposes as well. Mayor Ortiz, Jr. advised that even going from 2300 acre feet to 500 acre feet would still enable the Acequia water users for agricultural purposes.

Mr. Gonzales asked Mayor Ortiz, Jr. to consider where the water was coming from to fill the additional storage space and added that it would come from the river which is the Acequias water source and felt that the reliable source of water that acequias would need to survive, will not be there and added that it would be in storage where it is not available to the Acequias. Mr. Gonzales asked the Governing Body to keep this in mind when discussing the sharing agreement.

Mayor Ortiz, Jr. advised that the water would not be taken during the seasons while the Acequias would utilize the water for agricultural need.

City Manager Martinez advised that community problems are also some other interests involved that need to be brought to the table that included the operations of the Acequias.



Mayor Ortiz, Jr. explained that one of his main concerns was regarding priority dates and that downstream users would be the first to use water and discussed several issues that would be involved. Mayor Ortiz, Jr. added that there were many concerns to discuss to resolve the issues.

Councilor Howell stated that agriculture was very important to the community and asked how Council would be able to get involved in discussions as part of the sharing agreement.

City Manager Martinez advised that it would eventually become a public process then followed with the outline process regarding a resolution which would be brought back to Council. City Manager Martinez advised that Public Meetings would be held and Council members would be invited to attend.

Councilor Howell stated that he hoped the trust issues between the Acequias and the City would be resolved.

City Manager Martinez gave an example of Councilors being involved with the negotiations with Storrie Lake and explained that staff was directed by Council regarding the finalization of the adopted Resolution and advised that same model would be implemented in this process.

Councilor Gurule-Giroñ stated that she felt that Council faltered in judgment, in the past, giving full authority to Mayor and City Manager regarding Storrie Lake negotiations and felt that they were not fully informed to what was transpiring, which was part of the trust issues. Councilor Gurule-Giroñ stated that the Mayor and City Manager would make decisions and had asked Council to overturn decisions during Executive Session.

City Manger Martinez explained that during the State Engineer's mandated mediations, Council was fully invited to attend meetings and felt they were fully informed at Executive Sessions on changes of the Storrie Lake agreement and re-negotiations and disputed the statement that Council was not apprised.



Councilor Gurule-Giroñ stated that the statement read by Acequias Association Representative Cozens read that the City could not move forward with the Storrie Project agreement due to the continued litigation and protest.

Mr. Gonzales advised that the permitting process involves public notice which allows time for protests and time for negotiations to resolve those protests as well. Mr. Gonzales stated that there was no permit in place and added that there was room for discussion and encouraged the idea of all three parties to revisit the agreement with hopes of looking at impacts for each one and to reshape the agreements that may be reached and possibly put in better position to obtain the permits needed. Recourse for the acequias would be to file a protest once the permit would be submitted.

Mayor Ortiz, Jr. spoke on countless negative issues that would affect the Community if protests against the Storrie Lake agreement would take place and pleaded with the Acequias not to protest in order to help the betterment of the community.

Councilor Casey thanked the Acequias members for their attendance and admired their unity on their recommendations and added that several statements read indicated that the Acequia members were willing to work with the City to come to a solution to the issues at hand and added that the City needed to be willing to communicate and negotiate with the Acequias as well.

Councilor Casey added that she anticipated a rapid solution and recommended a strict timeline to avoid drawing out the process. Councilor Casey suggested that Council be well informed regarding discussions, in order to make intelligent decisions when the time comes.

Councilor Casey expressed that the Acequias have been a vital part of our community for many years and advised that she was available at any time if anyone needed her help.

Discussion took place on the process of the conditions to apply for a permit.



Councilor Gurule-Giroń asked if the City was ever informed by the State Engineers Office, advising that they could not proceed unless they followed certain steps to advertise for the reason that it would be subject to protest.

Mayor Ortiz, Jr. advised that the City was aware of being protested on any negotiations at any point and time, which may also include appeals and delays for many years and added that everything done to help the City had been in good faith.

### **MAYOR'S RECOGNITIONS/PROCLAMATIONS**

City Clerk Fresquez read a proclamation proclaiming March 2016 as "American Red Cross Month".

Mayor Ortiz, Jr. thanked members of the American Red Cross who render their tremendous services to the community in need.

American Red Cross Member Pam Davis stated that they were pleased to be recognized by the Governing Body and introduced Claire Ryan from the Santa Fe office and advised that she had been attending meetings in person and by phone.

Fire Chief Philip Mares welcomed Councilor Casey and presented Mr. Joseph Garofalo with Recognition of a promotion from Firefighter EMT to Engineer.

Fire Chief Mares stated that he felt that Mr. Garofalo was highly qualified for the position.

Fire Chief Mares explained the different levels within the Fire Department and discussed the crucial part of being an engineer and congratulated Mr. Garofalo.

### **PUBLIC INPUT**

Mr. Bob Wessely took the opportunity to thank the City for all the attempts taken to make huge progress regarding the countless water issues within the City of Las Vegas although not visible to the community. Mr. Wessely added that there is still an extensive road ahead to resolve water concerns.



Mr. Roland Medrano, a member of the Acequias Madre de Las Vegas wanted to advise the Governing Body that as part of the Gallinas River Acequias Association, they were also concerned with water storage issues. Mr. Medrano added that they were in support of water storage and explained that they would also like to be involved in discussions regarding how it would impact them as well.

Mayor Ortiz, Jr. explained that at the time of discussions with the Acequias Association, the City water attorneys should discuss the impacts that may affect any entities.

Ms. Cordia Sammeth, Manager at Tri-County Farmers Market advised that she was in support of coming up with a plan to share water and spoke of the various programs that support fresh food. Ms. Sammeth expressed the importance of water needed for agriculture and encouraged everyone to work together.

Mr. Arthur Gallegos advised that he was in support of the Acequia's initiative and stated that he was encouraged by the change in attitude by Council and was hopeful that an agreement would be reached. Mr. Gallegos expressed his thoughts on the many expenses paid to attorneys regarding the litigation and felt that the 1835 Agreement was a moot point, that it was not a reason to sustain litigation and was not an important factor in sharing or managing water supply.

Mr. William Gonzales took the opportunity to address the Governing Body in regards to the Acequias being a vital part of the community who were only trying to make a living and asked Council to consider that when making decisions in the deliberation process.

Ms. Pat Leahan expressed her gratitude to the Las Vegas Police Department and Police Chief Juan Montano for their excellence in their services which resulted in the community's lack of complaints.

Ms. Leahan thanked Chief Mares and the Las Vegas Fire Department for their overall outstanding service to the community and going above and beyond with kindness, integrity and respect recently when needing their service on a personal level.



Ms. Leahan showed gratitude for Mayor Ortiz, Jr. and his family for their service to the community and the positive changes made to Las Vegas and thanked Mayor Ortiz, Jr. for his attentiveness to many issues concerning the community.

Mr. Alex Aragon had several concerns regarding no direct lights on flag poles located at City Hall and Recreation Center and advised that several City street lights needing to be replaced.

City Manager Martinez advised that the Public Works Department determines if the lights belong to the City or to PNM but would address the issues discussed by Mr. Aragon.

Mr. Eric Haggard stated that he felt that the Acequias were being negatively impacted by the on-going remand issue and added that the City should seek an alternate resource of water wherever possible, not to rely on the Gallinas River due to climate change. Mr. Haggard stated that the level of animosity of the Acequias Association had grown, partly from costly attorney's fees and added that it was time to end litigation.

Mr. Gabe Estrada welcomed Councilor Casey and thanked Mayor Ortiz, Jr. and Council for the work they were doing for the community and was optimistic about the new administration coming to a solution regarding the water problem that had existed for six decades. Mr. Estrada discussed several issues on the Remand and decisions made by the Supreme Court allowing the City to use more water than it should at the expense of other water users down the river under Pueblo Water Rights. Mr. Estrada added that water is life and it was time to stop spending money, come to solutions and stop litigation.

Mr. Martin Brown advised that he was a resident of the Gallinas River area and supported water conservation. Mr. Brown added that he was part of a family who ran the Western Life Camp which was utilized and enjoyed by the community. Mr. Brown added that he understood the importance of water conservation and water use and suggested at looking into issues at a broad landscape level, which involved everyone's water usage needs from the water supply at certain times of the year. Mr. Brown stated that he felt that litigation was not beneficial and added that many people had solutions that would help the water situation move forward.



Mayor Ortiz, Jr. thanked all the speakers for their input and hoped that an agreement could be reached mutually.

## **CITY MANAGER'S REPORTS**

City Manager Martinez advised that there would be a Public Information Meeting regarding additional information on the Water Assistance Program for low income families, held on March 22, 2016 at 5:30 p.m. in the City Council Chambers.

City Manager Martinez advised that Governor Susanna Martinez approved a Legislative appropriation for \$108,000.00 for the Las Vegas Police Department Fleet and added that a USDA Grant of \$306,000.00 was previously approved by Council to continue to move forward on the Police Department Fleet.

City Manager Martinez informed that the process of the transfer of the old State Police Building was taking place and would be utilized by the Utilities Department.

City Manager Martinez explained that they were getting ready to close the CDBG Grant Renovation/Rehabilitation project of the Senior Center which was near completion and advised a Special meeting would be held for Council to approve three documents which were part of the extension to complete the project.

Mayor Ortiz, Jr. informed that there was unanimous support from the House and Senate regarding the City acquiring the old State Police Building and explained that the next step was the process of appraisal and surveys to finalize the Quit Claim Deed.

City Manager Martinez advised that Council would be informed of a Grand Re-Opening event at the Senior Citizen Center.

Mayor Ortiz, Jr. made a recommendation of having a Grand Opening Ceremony for the State Police building as well and to express thanks and appreciation to several New Mexico State dignitaries who supported the City in the endeavor by inviting them to attend the ceremonies.

## **FINANCE REPORT**



Finance Director Ann Marie Gallegos reported the Finance Report ending February 29, 2016. Finance Director Gallegos advised that the General Fund revenue came in at sixty seven percent and expenditures were at fifty seven percent.

Finance Director Gallegos advised that measures were being taken to prepare for a decrease in expenditures that will affect the budget regarding the Hold Harmless amount of \$85,000.00 annually and informed that the total amount would come to 1.2 million dollars within the next ten years. Finance Director Gallegos informed that the New Mexico Municipal League would provide information on how to address hold harmless for the year 2017.

Finance Director Gallegos advised that the Recreation Department revenue came in at sixty five percent and the expenditure total was sixty eight percent. Finance Director Gallegos explained that revenue would be increasing due to summer programs starting soon.

Finance Director Gallegos reported sixty three percent was collected from the Enterprise Funds and expended fifty eight percent.

City Manager Martinez reported that revenues benefit by the film industry and noted that filming would be taking place in the latter part of March into April.

Councilor Howell had a question regarding the status of the operation of Parks Division.

City Manager Martinez advised that combining and cross training employees from Parks and Streets Department have benefitted in operations.

Mayor Ortiz, Jr. wanted to convey his condolences to the families of Ernest Abreu and Margaret Ortiz.

## **CONSENT AGENDA**

City Clerk Fresquez read the Consent Agenda into the record as follows:



1. Approval of out of state travel to Huntsville, Alabama April 2-8, 2016.
2. Approval to award request for proposal #2016-22 and enter into negotiations with DUB-L-EE, for on call services for maintenance/emergency repairs to the natural gas transmission line.
3. Approval to award bid #2016-23 for liquid aluminum sulfate for the Water Treatment Plant to Chemtrade.
4. Approval to award bid #2016-24 for portable flame ionization survey for the Gas Division to Heath Consultants.

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Howell seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara A. Casey	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

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

## **BUSINESS ITEMS**

1. Approval/Disapproval of Resolution 16-14 authorizing submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority.

Community Development Director advised that the City of Las Vegas and MainStreet de Las Vegas adopted a Las Vegas Downtown Action/MRA Plan in December 2010. This Plan needs to be updated and adopted as a Metropolitan Redevelopment Area (MRA) Plan. A Downtown MRA Plan defines a community's vision for the core commercial area and identifies priority catalytic projects to revitalize that are, determined through a dynamic community participation process. The Downtown MRA Plan is a document that guides MRA revitalization and public and private sector investment for several years. Community Development Director Valdez advised that she provided all the information regarding the Downtown Action Plan and included the fund amount of \$50,000.00.



Councilor Casey thanked Development Director Valdez for providing the detailed information of the Downtown Action Plan.

Councilor Gurule-Giroń made a motion to approve Resolution 16-14 authorizing submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority. Councilor Casey seconded the motion.

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

Tonita Gurule-Giroń	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David L. Romero	Absent

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

2. Approval/Disapproval of Disposal Agreement 3016-15 between GGH Wagon Mound, LLC and the City of Las Vegas Solid Waste Department for one year as per Section 8 of the agreement (Terms of Agreement) with no amendment.

Solid Waste Director Matt Griego advised that the City of Las Vegas is responsible for disposal of waste collected by the Solid Waste Department as per New Mexico Environment Department permit #SWM-250605. This is the second year renewal of a four year contract.

Solid Waste Director Griego apologized for the errors on the contract at the last council meeting.

Councilor Casey took the opportunity to thank the individual who re-typed the whole document to correct the errors.

Councilor Casey made a motion to approve Disposal Agreement 3016-15 between GGH Wagon Mound, LLC and the city of Las Vegas Solid Waste Department for one year as per Section 8 of the agreement (Terms of Agreement) with no amendment. Councilor Gurule-Giroń 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	Barbara A. Casey	Yes
Vincent Howell	Yes	David L. Romero	Absent

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

3. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance #16-01.

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:

Barbara A. Casey	Yes	Tonita Gurule-Giroń	Yes
Vincent Howell	Yes	David L. Romero	Absent

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

City Attorney Dave Romero asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Perea and Lindsey Valdez were sworn in.

Community Development CADD Technician Maria Perea advised that Alejandro Rivera, owner of a two vacant lot located at 2439 and 2441 Dahlia Street, Las Vegas, New Mexico was requesting that the properties be re-zoned for the present R-2 (Multi-Family Residential Zone) to an R-3 (Mixed Residential Zone) with the intent for properties to be available for single family homes and mobile homes which are permitted in the R-3 zone.

Councilor Casey stated that she thought Dahlia Street already allowed mobile homes.

Community Development CADD Technician Perea informed that not all of the area allowed mobile homes and added that some areas were zoned R-2 and some were zoned R-3. Community Development CADD Technician Perea advised that



Block 4, (7 lots) zone changes would be completed within the next couple of months.

Councilor Howell had questions regarding the negatives to the City by the zone changes and asked if Planning & Zoning had approved the zone change.

Community Development CADD Technician Perea explained that one single family could now have two single wide homes in the property and that it had the approval of Planning & Zoning Commission.

Councilor Gurule-Giroń asked if the variances would be met for the two homes.

Community Development CADD Technician Perea informed that they would not require any variances and added that they would meet the set-backs.

Councilor Gurule-Giroń made a motion to accept the record proper and to close Public Hearing. Councilor Howell seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Vincent Howell	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

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

Councilor Gurule-Giroń made a motion 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:

Tonita Gurule-Giroń	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David L. Romero	Absent

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

Councilor Gurule-Giroń made a motion to to adopt Ordinance #16-01. Councilor Howell seconded the motion. Councilor Howell seconded the motion.

Ordinance #1601 was presented as follows:



**CITY OF LAS VEGAS, CITY COUNCIL  
ORDINANCE NO. 16-01**

**AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-2 (MULTI-FAMILY RESIDENTIAL ZONE) TO AN R-3 (MIXED RESIDENTIAL ZONE) FOR TWO TRACTS OF LAND LOCATED AT 2439 AND 2441 DAHLIA STREET, AS REQUESTED BY ALEJANDRO RIVERA.**

**WHEREAS,** Alejandro Rivera has applied for an amendment to the official zoning map from an R-2 (Multi-family Residential Zone) to an R-3 (Mixed Residential Zone) for property located at 2439 and 2441 Dahlia Street, pursuant to provisions of the Las Vegas City Zoning Ordinance, and;

**WHEREAS,** on February 29, 2016 the City of Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive testimony concerning the amendment of the Official Zoning Map to re-zone the properties located at 2439 and 2441 Dahlia Street from an R-2 (Multi-family Residential Zone) to an R-3 (Mixed Residential Zone), and on February 29, 2016 adopted a motion recommending approval of the proposed amendment.

**WHEREAS,** on March 16, 2016, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning and Zoning Commission.

**NOW, THEREFORE BE IT ORDAINED** that the Governing Body of the City of Las Vegas, New Mexico, hereby **GRANTS** the amendment to the Official Zoning Map by re-zoning and changing the district classification of certain property located at 2439 and 2441 Dahlia Street from an R-2 (Multi-family Residential Zone) to an R-3 (Mixed Residential Zone), and more fully described as follows:

Lots 8 and 9, Block 7, of the D. E. Davis Subdivision (1-In).

**BE IT FURTHER ORDAINED** that the Governing Body of the City of Las Vegas, New Mexico, hereby adopts the following findings of fact upon which the Council's decision is based:

1. The boundaries of the zones established by the City's Ordinances, the classification of property herein, or other provisions of said Ordinances may be amended whenever public necessity, convenience, or general welfare require.
2. That duly public notice and public hearings were in accordance with the legal requirements and a site plan for the zone change has been provided which is acceptable to the City Council.

**PASSED, APPROVED AND ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

\_\_\_\_\_  
Casandra Fresquez, City Clerk

\_\_\_\_\_  
Alfonso E. Ortiz, Jr., Mayor



**REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY**

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Dave Romero, City Attorney

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

Vincent Howell	Yes	Barbara A. Casey	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

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

4. Approval/Disapproval to renew 2016 Audit Contract with RPC CPAs + Consultants, LLP.

The City of Las Vegas requested audit proposals for the 2015, 2016 and 2017 audits and is requesting final approval by Mayor and Council to renew 2016 Audit with RPC CPAs + Consultants, LLP.

Finance Director Gallegos informed that there were issues with the audit cost regarding the Housing Department Audit and recommended continuing Business Item #4. Finance Director Gallegos advised that re-negotiations would take place with the consultants and would bring the contract renewal back to Council for approval.

Councilor Howell asked if RPC Consultants were the only bidders on the RFP and asked if they were the lowest on the bid.

Finance Director Gallegos advised that there were several auditors that bid on the RFP and explained that they were not the lowest however RPC Consultants Firm was the most qualified.

City Manager Martinez informed that the procurement code allowed to negotiate price and added that they were the most qualified therefore they would go back and re-negotiate the price.

Councilor Gurule-Giroń made a motion to continue the 2016 Audit renewal contract with RPC CPAs + Consultants, LLP for the next council meeting. Councilor



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

Barbara A. Casey	Yes	Vincent Howell	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

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

5. Approval/Disapproval to renew ambulance contract with Superior Ambulance.

Fire Chief Phillip Mares advised that Superior Ambulance was awarded contract for emergency ambulance services on February 13, 2013. Approval is needed for annual renewal. This is the last year for renewal on contract #2623-13.

Discussion took place on the limited ambulance providers in the Las Vegas area.

Councilor Gurule-Giroń asked what the City paid Superior Ambulance for their services.

Fire Chief Mares advised that the City pays Superior \$200,000.00 a year for their ambulance services.

Councilor Howell asked Fire Chief Mares what his thoughts were regarding the Fire Department taking over ambulance services.

Fire Chief Mares advised that it would be a major commitment from the Governing Body and would certainly be over \$200,000.00 and would be very costly.

Discussion took place on several issues regarding the City of Las Vegas Fire Department taking on ambulance services.

Councilor Casey clarified that the contract with Superior ambulance stated that the cost was \$175,000.00 annually and \$14,583.33 a month.

Councilor Casey had concerns pertaining to the language on the contract in relation to ambulance interference in the City and the delays in non-emergency



out of town transfer situations and questioned who made the determination between non-emergency and emergency situations.

Fire Chief Mares informed that this conflict had been occurring and added that he had met with Hospital staff on the issues. Fire Chief Mares explained the process of the attending physician requesting transfers. Fire Chief Mares advised that the Fire Department frequently experiences lapse of services from other agencies at the time of services needed.

Councilor Casey also had concerns regarding the intermediate supplemental ambulance service and requested a rate schedule of ambulance fees due to the excessive ambulance fees charged to the patient.

Fire Chief Mares informed that the intermediate service did not occur on a regular basis and advised that the fees were regulated by the PRC and would obtain a rate fee schedule.

Councilor Howell recommended to Fire Chief Mares to consult with Superior Ambulance staff regarding the concern of their ambulance speeding on Dalbey Street.

Fire Chief Mares advised that he would address the issue with Superior Ambulance staff.

Councilor Casey made a motion to approve to renew ambulance contract with Superior Ambulance. 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	Vincent Howell	Yes
Barbara A. Casey	Yea	David L. Romero	Absent

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

**COUNCILOR’S REPORTS**



Councilor Casey had an update regarding Mrs. Dominguez and advised that she would be meeting with the engineer on the sewage issues and thanked City Manager Martinez for arranging the meeting.

Councilor Howell advised that he had been receiving calls from citizens in Ward 2, pertaining to meeting with City Manager Martinez on sewage issues.

City Manager Martinez informed Councilor Howell that he would meet with any individuals, who would contact his office to discuss sewage issues and would include Utilities Director Garcia and Waste Water Manager Marquez as well.

Mayor Ortiz, Jr. advised that he was pleased with the productive meeting and hoped that everyone would continue to work together on problems and resolving issues.

#### **EXECUTIVE SESSION**

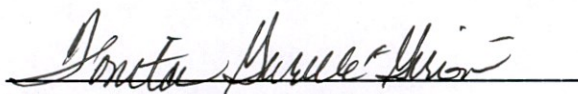
City Manager Martinez advised there was no need to go into Executive Session.

#### **ADJOURN**

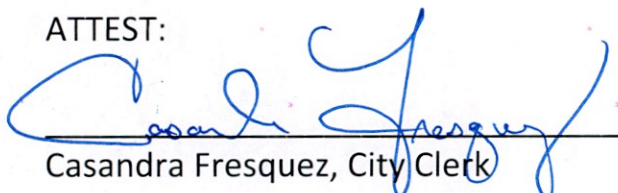
Councilor Gurule-Giroń made a motion to adjourn. Councilor Casey seconded the motion. Mayor Ortiz, Jr. asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara A. Casey	Yes
Tonita Gurule-Giroń	Yes	David L. Romero	Absent

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

  
\_\_\_\_\_  
Mayor Tonita Gurule-Giroń

ATTEST:

  
\_\_\_\_\_  
Casandra Fresquez, City Clerk