

# CITY OF LAS VEGAS

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

Mayor Tonita Gurulé-Girón

CITY OF LAS VEGAS  
REGULAR CITY COUNCIL AGENDA  
**August 15, 2018–Wednesday– 6:00 p.m.**  
**City Council Chambers**  
**1700 N. Grand Avenue**

*(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. **APPROVAL OF MINUTES (June 13<sup>th</sup>, June 20<sup>th</sup>, June 27<sup>th</sup>, July 18<sup>th</sup>, July 26<sup>th</sup> and July 31, 2018)**
- VII. **MAYOR'S APPOINTMENTS/REPORTS**
- VIII. **MAYOR'S RECOGNITIONS/PROCLAMATIONS**
- IX. **PUBLIC INPUT**  
**(not to exceed 3 minutes per person and persons must sign up at least fifteen (15) minutes prior to meeting)**
- X. **CITY MANAGER'S REPORT**
- XI. **FINANCE REPORT**
- XII. **CONSENT AGENDA**  
**(Items may be moved to New Business at the request of any Councilor with approval of the Governing Body)**

1. Approval of Out of State Travel to Sacramento, California for one (1) certified Police Officer to attend training.

**Chris Lopez, Interim Police Chief** Drug recognition Expert class Phase II will be held in Sacramento California on August 23-27<sup>th</sup>, 2018. One (1) certified officer will be attending this training. All per diem and travel expenses are paid by New Mexico Drug Recognition Expert (NMDRE) Program. This program is to recognize impairment in drivers under the influence of drugs, or in addition to alcohol. Phase II includes the overview of the drug evaluation procedures, the seven (7) drug categories.

2. Approval of Resolution No. 18-29 to apply for funding offered through New Mexico Department of Game and Fish to rehabilitate the Shooting Range through the Las Vegas Police Department.

**Chris Lopez, Interim Police Chief** The Las Vegas city Police Department is requesting approval to apply for funding in the amount of \$15,000.00 from the New Mexico Department of Game and Fish to rehabilitate the Shooting Range for the use for Law Enforcement and the community of San Miguel County and the surrounding areas.

3. Approval to accept pass through funding from the New Mexico Department of Information Technology E-911 Grant Fund for the Las Vegas Police Department.

**Chris Lopez, Interim Police Chief** The Las Vegas City Police Department is requesting approval to accept funding in the amount of \$305,891.00 from the New Mexico Department of Information Technology to operate the E-911 System for the Las Vegas City police Department and the Department of public Safety District 2 Office.

4. Resolution No. 18-33 City of Las Vegas Meadow City Express' intent to apply for NMDOT Grant 5311.

**Victoria Benavidez, Transportation Manager** The City of Las Vegas has the intent to match grant funds for the NMDOT Grant 5311. City of Las Vegas Meadow City Express provides public transportation to individuals on a demand schedule. Applying for NMDOT Grant 5311 will allow services to continue.

### **XIII. BUSINESS ITEMS**

1. Conduct a Public Hearing and Approval/Disapproval of application for a transfer of location of Inter-Local Dispenser Liquor License with on premises consumption only with patio service for Chamisa Hills Golf and Country Club, LLC, DBA The Historic El Fidel Hotel.

**Casandra Fresquez, City Clerk** The applicant is requesting a transfer of location on Inter-Local Dispenser Liquor License to do business as the Historic El Fidel Hotel located at 500 Douglas Avenue, Las Vegas, NM 87701, Application No. 1094703. All zoning and publication requirements have been met.

2. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance 18-06, amendment to the Official Zoning Map for property.

**Maria Perea, Planning & Zoning Coordinator** Ms. Dolores Sanchez-Sena, Personal Representative/Executor of the Willie Sanchez Estate, appeared before the Las Vegas Planning and Zoning Commission on July 30, 2018, on behalf of parcel 0.46 acres ± in size and known as 2023 – 8<sup>th</sup> Street, Las Vegas, NM. Dolores Sanchez-Sena is requesting a Zone Change for property located at 2023 8<sup>th</sup> Street from an R01 (Single Family Residential Zone) to an R-2 (Multi Family Residential Zone). The purpose of the zone change is to bring property into compliance with the current use, which is not allowed within the current zoning.

3. Approval/Disapproval of Resolution No. 18-34, repealing and replacing Resolution 18-13 to include, authorizing the sale of City Owned Property as per attached legal description and plat, and known as a portion of Transportation Department property located at 500 Railroad Avenue to Mr. Allan Affeldt, owner of the Castaneda Hotel.

**Maria Perea, Planning & Zoning Coordinator** Allan Affeldt, owner of the Castaneda Hotel, has expressed an interest in purchasing a portion of Transportation Department property located at 500 Railroad Avenue to utilize the area to complete their parking lot. When new survey for Castaneda property was completed, parking stalls did not fit.

4. Approval/Disapproval of Resolution No. 18-35 authorizing acceptance of Grant Offers from the Federal Aviation Administration and the New Mexico Department of Transportation Aviation Division for a project at the Las Vegas Municipal Airport.

**Danny Gurule, Interim Public Works Director** As part of the Aviation Division Grant Agreement criteria for the Federal Aviation Administration (FAA) program, A Resolution of Support is required

from the local governing body assuring sponsor matching funds and authorization to accept the grant. In complying with the criteria, staff is requesting that this resolution be approved for the installation of the Precision Approach Path Indicator (PAPI).

**XIV. COUNCILORS' REPORTS**

**XV. 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.**

**XVI. 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.

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**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, NM 87701

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK SESSION MEETING  
HELD ON WEDNESDAY, JUNE 13, 2018 AT 5:30 P.M. IN THE CITY COUNCIL  
CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** David G. Romero  
Barbara A. Casey  
Vincent Howell  
David A. Ulibarri, Jr.

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
David Silva, Acting City Attorney  
Christopher Lopez, Interim Chief of Police

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Howell asked for a moment of silence for the guidance to do the right thing for the community and to give National leaders the guidance to do the right thing.

**APPROVAL OF AGENDA**

Interim City Manager Ann Marie Gallegos recommended moving executive session to number VI, right after the approval of the agenda to discuss threatening litigation due to Acting City Attorney Danelle Smith having prior engagements.

Councilor Romero asked Acting City Attorney David Silva if there were any legalities he found from the Municipal League regarding the Organizational Meeting.

Acting City Attorney Silva advised he met with the Municipal League's Attorney, Randy Van Vleck over §30-1-5 and §30-1-6 and he believed anything the council has done since April since the election is valid but he did have concerns why there hasn't been appointments between now and then but everything up to this point is legal.

Councilor Romero asked for that to be on the record and get an email or verification.

Acting City Attorney Silva advised he would have him write something because he didn't get anything in writing, they only had a discussion about the state statute and charter to see if there was any case law that would counter that but everything done to date is legal and valid.

Mayor Gurulé-Girón asked to have Mr. Van Vleck include a summation of deferments which are consistent statewide with regards to organizational meetings because not everyone in the State is actually meeting immediately for reorganizational meetings.

Mayor Gurulé-Girón advised she had a discussion with Acting City Attorney Smith to ensure that they get the most "qualified and competent individuals" for those positions and it would be in the "best interest to wait and defer those appointments until they get the right individuals to fill those positions" and Mayor Gurulé-Girón advised that Acting City Attorney Smith said "absolutely because if not then they would be in dereliction of duty".

Councilor Romero made a motion to approve the agenda with the changes recommended by Interim City Manager Gallegos. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
Barbara Casey	Yes	David G. Romero	Yes

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

**EXECUTIVE SESSION**

Councilor Casey made a motion to go into executive session for the purpose of discussing 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. Councilor Romero and Councilor Ulibarri, Jr. both seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Councilor Casey made a motion to go back into regular session after discussing 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, no action was taken during the executive session. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara Casey	Yes	Vincent Howell	Yes

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

**PUBLIC INPUT**

Mr. Heru advised he ran into a friend of his who was injured and was told that a Las Vegas Police Department Sergeant, named Officer Pacheco made an arrest that was a normal order of police business and was heroic in his acts. Mr. Heru

advised that Sergeant Pacheco used non lethal force along with his unit to apprehend two individuals that attacked the police. Mr. Heru advised the problem afterwards was a charge of racial bias against the officers. Mr. Heru advised after hearing about the incident he spoke with the Police Chief.

Mr. Heru advised the acts of the Officer needs to be raised at a high level to be seen by the City, by the State and on a National level. Mr. Heru advised since 2014 we've seen incidents from Police Departments and certain Police Officers who have acted inappropriately when it comes to dealing with people of color. Mr. Heru advised he's been involved in discrimination for a number of years in this Country. Mr. Heru advised he believes the Officer needs to be seen by other Police Departments because the Las Vegas Police Department did act appropriately in his eyes and several friends of his. Mr. Heru advised he believes they lead a shining example and should be seen on a National level.

Mr. Heru advised he would like to speak to the individuals who were arrested and speak at Highlands University and hopefully in the future help younger kids act more appropriately when it comes to dealing with Police Officers.

Mr. Heru also spoke about a youth music program outside of school for ages 9-14 and hopefully continue as a after school program. Mr. Heru advised there is very little for the youth in the community and is hoping for some support for the organization which will soon be a non-profit organization.

### **Discussion Items**

1. Resolution #18-24, a request to transfer a 2005 Ford Van, VIN # IFBSS31LD5HB30709, with mileage of 105,815 miles to Collins Lake Autism Center, a 501c3 Non-Profit Corporation.

Senior Center Manager Wanda Salazar advised many of the vans are getting vandalized while parked at the Senior Center. Senior Center Manager Salazar advised the vehicle does meet all requirements, it has over 100,000 miles, its ten years old and the value is less then \$5,000.

Mayor Gurulé-Girón asked if it went through the actual depreciation value and is consistent with the City's depreciation value.

Interim City Manager Gallegos advised that it is consistent.

Discussion and questions took place regarding an alternative source for a vehicle and if other vehicles have been vandalized.

Discussion and questions took place regarding a place to store vehicles.

The governing body agreed to place the item as a consent agenda item.

2. Resolution #18-25, to ensure the availability of matching funds for the participation in the New Mexico Department of Transportation Municipal Cooperative Agreement (COOP); for the plan design, construction, construction management, reconstruction, pavement rehabilitation, drainage improvements and miscellaneous construction to Keen Street from Grant Street to West National Avenue as well as West National Avenue from Keen Street to South Pacific Avenue. Total project cost is \$253,980.00, State Match is \$190,485.00, and City's share is \$63,495.

Interim Public Works Director Danny Gurule advised if the funding was received, it would help to fix the streets in the specific areas.

Councilor Casey asked where the \$63,495 would come out from.

Interim City Manager Gallegos advised it would come out from the 216 Street Improvement Fund which is specific for street maintenance but may be able to waiver out of it if applied on time.

Discussion and questions took place regarding the Keen street project going from ward 1 to ward 4.

Mayor Gurulé-Girón advised it is required from DFA to follow the ICIP plan.

Discussion and questions took place regarding when phase 3 will take place to cover the streets in Councilor Romero's ward.

Discussion and questions took place regarding how streets are prioritized.

The governing body agreed to place the item as a consent agenda item.

3. Resolution 18-26, the City of Las Vegas is interested in applying for the Local Government Fund Match Waiver Program per New Mexico Administration Code 18.27.3.8 for FY 2018/2019 Project No. SP-4-19(957) control No. L400397.

Interim City Manager Gallegos advised if the waiver is not approved the project would still continue.

Councilor Romero asked what information was required for the waiver.

Interim Public Works Director Gurule advised it required the approval of the governing body and is on a first come first serve basis.

Interim City Manager Gallegos advised they do look to see whether the funding is there.

The governing body agreed to place the item as a consent agenda item.

4. Resolution #18-27, requesting the Governing Body authorize the application submission of a New Mexico Community Development Block Grant Program to the Department of Finance and Administration and authorizing the Mayor of the City of Las Vegas as the authorized Chief Executive Officer and Authorized representative to participate in the Community Development Block Grant (CDBG) program.

Interim Community Development Director Virginia Marrujo advised they are working on the application submission process and have gone through most of the preliminary process, as well as meeting all requirements.

Councilor Casey advised making a minor change to the language in the resolution. The second Whereas should state the City, not the Council.

Councilor Howell asked how many people attended the public meetings.

Interim Community Development Director Marrujo advised no one showed up to the public meetings.

Councilor Howell asked if there was a reason the council was not advised about the public meetings.

Interim City Manager Gallegos advised it is not called a council meeting, instead is called a community meeting so the community can come with any questions or recommendations.

Mayor Gurulé-Girón advised those meetings are on the website.

Councilor Howell advised he knew it wasn't a council meeting but if the councilors knew about it they could talk with the community members in their district.

Interim City Manager Gallegos advised she will make sure the council is informed for the next community meeting.

The governing body agreed to place the item as a consent agenda item.

5. Award request for bid #2018-18 for North Grand Waterline project to Hays Plumbing & Heating, Inc.

Utilities Director Maria Gilvarry advised this project is to get rid of dead end lines in three segments to give a continuous flow in that area.

Councilor Howell asked if Hays had enough staff to take on the project.

Utilities Director Gilvarry advised they do and they continue to hire new employees and are fully staffed to complete any projects needed.

Mayor Gurulé-Girón asked about Hay's subcontracting others if necessary.

Utilities Director Gilvarry advised that there are some areas that they need to hire subcontractors for.

Councilor Howell asked if there had been any issues with the Bradner Dam project.

Utilities Director Gilvarry advised Hay's experienced rock that has slowed them down but that was the only issue.

The governing body agreed to place the item as a consent agenda item.

6. Award request for bid #2018-19 for the Cabin Site tank rehabilitation project to D&R Tank Company.

Utilities Director Maria Gilvarry advised the Cabin Site Tank is in phase three of a phase three project, the tank is the primary tank to treat water. Phase one of the project was to build the tank and phase two was to drain the tank and physically look internally.

The governing body agreed to place the item as a consent agenda item.

Interim City Manager Gallegos advised the council about the three business items for the following weeks council meeting which were recommendations on the phone system, amended ordinance for the Storrie Lake loan agreement and a zoning request on 12th street.

Discussion and questions took place regarding how to give support to the music ops program.

Councilor Romero asked about the appointments of officers.

Mayor Gurulé-Girón advised the appointments will be coming, and they were going to have interviews but there was an interruption with one of the committee members and they couldn't participate and will hopefully have it done by next week sometime, 2 appointments for certain, the other two she's still working on.

Councilor Romero asked if they would be done by next meeting.

Mayor Gurulé-Girón advised it's either going to happen before the meeting on Tuesday or Friday.

Councilor Romero asked about the current employees that are sitting in positions such as the Clerk.

Mayor Gurulé-Girón advised, "he'll find out what her decision is".

Councilor Casey advised the governing rules of procedure state directorships and other personnel changes need approval from the council and not all of them have been.

Mayor Gurulé-Girón advised she spoke with Ms. Gallegos, and asked if she could explain the decision and direction as to how she was brought to that decision.

Interim City Manager Gallegos advised she looked at the personnel rules and regulations and also at the charter and she looked at interim positions and the City Manager has the right to appoint interim positions, not the director positions because those come to Mayor and council. Interim City Manager Gallegos advised she felt at the time they were in need of a community development director, so she made an interim assignment.

Mayor Gurulé-Girón asked who she appointed as Interim.

Interim City Manager Gallegos advised she appointed Ms. Virginia Marrujo as Interim Community Development Director.

Councilor Casey asked if she referred to the governing rules.

Interim City Manager advised she didn't remember which policy she looked at but she did look at a policy that stated the City Manager has a right to appoint interim positions.

Councilor Casey advised the governing body rules state those interim positions do need to be approved by council and any change in salary.

Discussion and questions took place regarding the governing body rules and procedures.

Councilor Casey advised it would be a good idea to keep the councilors more in the loop with a monthly report.

Discussion and questions took place regarding the Human Resource Manager position.

**ADJOURN**

Councilor Romero made a motion to adjourn. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara Casey	Yes	David A. Ulibarri, Jr.	Yes

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

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Mayor Tonita Gurulé-Girón

ATTEST:

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Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, JUNE 20, 2018 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** David A. Ulibarri, Jr.  
Vincent Howell  
Barbara A. Casey  
David G. Romero

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
Chris Lopez, Sergeant at Arms  
David Silva, Acting City Attorney-*Absent*

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Howell asked the community keep in mind, the children that had been recently displaced from their families and hoped that they were being taken care of and would soon be reunited with their families. He prayed for the good Lord to give the Council the proper guidance to do the right thing in order to move the community in the right track in moving forward.

**APPROVAL OF AGENDA**

Councilor Ulibarri, Jr. made a motion to approve the agenda as is. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

**APPROVAL OF MINUTES**

Councilor Casey made a motion to approve the minutes for May 4th, May 9th, May 15th, May 16th and May 24, 2018 as amended. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Interim City Manager Ann Marie Gallegos informed that Acting City Attorney David Silva was absent although would be available via phone if needed.

**MAYOR’S APPOINTMENTS/REPORTS**

Mayor Gurulé-Girón advised that there were no appointments or reports at this time.

**MAYOR’S RECOGNITIONS/PROCLAMATIONS**

Mayor Gurulé-Girón recognized former Councilman David L. Romero and thanked him for his 8 years of dedicated service to the City of Las Vegas, as well as his wife Roberta and son, Councilman David G. Romero.

Former Councilman Romero thanked the Council, as well as Chief of Police Chris Lopez and stated it was an honor to have served the City of Las Vegas.

**PUBLIC INPUT**

Wid Slick spoke on behalf of MainStreet regarding an online silent auction that would be available to people while traveling on the Amtrak train, advertising the

event in the train's seat back magazine, reaching 5.1 million people in over 2 months. He advised the auction would be available by using a smartphone and would entertain a wide selection of art by Las Vegas artists. Mr. Slick advised that it would create the most sales that Las Vegas Artists have ever seen and that the auction would run from August 1st through September 30, 2018.

Richard Lindeborg spoke on behalf of the board of the Las Vegas Arts Council who had partnered with MainStreet and the City of Las Vegas and was in support of the advertising and the Silent Auction and advised that the ad would expose information on tourism tours, at least 50 artist's works and much more. He stated that it would have more influence on tourism in the area.

David Luna thanked the Governing Body for supporting the Chamber of Commerce. He spoke in support of the online silent auction and of their collaboration with Main Street America and other entities in providing a vehicle to get the information out by way of a more "user friendly" website in promoting the silent auction and other City events as well.

Martin Montoya, a local artist from Las Vegas encouraged the Governing body to support the online auction and stated that it would be very beneficial to him and other artists and looked forward to working with MainStreet.

Lalo Sanchez spoke about cleaning up the City in order to attract tourism and stated that the old car wash at the South end of Grand Avenue needed to be demolished because it had been an eyesore for many years. Mr. Sanchez suggested that Councilor Ulibarri, Jr. and Councilor Romero work together in cleaning Wards 1 and 4 for tourist attraction and thanked the City for painting the handicap signage and curbs although stated the crosswalks needed painting. He made the recommendation to the Governing body to decriminalize Cannabis in the City in order to build revenue and stated that placing parking meters would also generate revenue.

Mayor Gurulé-Girón asked Utilities Director Gilvarry when the next Citywide cleanup would take place.

Utilities Director Gilvarry advised that they were planning one within the next couple of months although did not have the exact date.

## **CITY MANAGER'S REPORT**

Chief of Police Chris Lopez, Commander Eric Padilla and Evidence Technician Patrick Torres presented information regarding a grant for \$28,000.00 awarded from the New Mexico Attorney General's Office. Mr. Torres explained that the funding would go towards a state of the art evidence system that would improve the tracking of evidence to the fullest extent. He advised that it would consist of barcoding evidence which would cut the time of inventory from 6 months to possibly less than one month and stated that it would be a benefit to the community and the Justice department as well.

Chief of Police Lopez and Commander Eric Padilla presented information regarding a \$7,000.00 grant received from Susteen Mobile and another \$7,995.00 from the District Attorney's Office which would go towards a mobile forensic software system that would allow the Police Department to lawfully access cell phone or computers for data evidence during investigations.

Councilor Howell asked if it would be allowed to obtain data from cell phones and computers or would they need permission from providers.

Commander Padilla explained there were a few ways, one being to apply for a search warrant, which gives all rights to it, consent from the owner or in the case of an emergency such as a kidnapping or terrorist threats, they would get in automatically. He advised that permission from the Courts granted them authority to search and seize.

Brief discussion took place on processes of some privacy laws regarding providers.

Interim City Manager Gallegos reminded everyone that the District Tournaments would begin this coming Saturday, expecting 450 players for 3-4 days and that Opening Ceremonies were taking place at Rodriguez at 12:30 p.m. She advised that the Public Works and Utility Departments had been preparing fields and would be cleaning up on Friday and encouraged everyone to participate in that.

Mayor Gurulé-Girón commended everyone who took part in the hard work to prepare the baseball fields.

Councilor Romero added that he wanted to recognize all the departments for working together in preparing the fields.

Councilor Ulibarri, Jr. thanked everyone for their hard work in improving the baseball fields.

Councilor Howell also recognized the hard work taking place and stated that he hoped there would be sufficient trash cans at the field area.

Interim City Manager Gallegos ensured that there would be enough trash cans for the event and that trash would be picked up daily. She also informed that Love's Truck Stop would be opening on June 28th.

Interim Community Development Director Virginia Marrujo gave a brief update on the 4th of July Fiestas and spoke of several other events taking place during that time. She informed that entertainers were already in place and stated that the entertainers were promoting the fiestas as well. Ms. Marrujo advised that all the departments were working well together to make the event a success and added that they were working on promoting and getting the motorcycle rally going.

Discussion took place regarding the 4th of July events, promotions and giveaways.

Senior Center Manager Wanda Salazar invited everyone to the re-opening of the San Miguel Senior Center.

Interim City Manager Gallegos informed that they were very proud of the Recreation Center and the work of Interim Recreation Manager Sonia Gomez and staff for the success they have had regarding the Day Care Program.

## **FINANCE REPORT**

Interim City Manager Gallegos advised that Interim Finance Director Tana Vega was not present, due to an emergency.

Interim City Manager Gallegos presented the Finance Report for the month ending May 31, 2018, reporting the General Fund Revenue at 97% and expenditures coming in at 79%. She thanked the departments for maintaining their costs and would be filling positions soon.

Interim City Manager Gallegos reported that the Enterprise Funds Revenue was at 94% and expenditures at 80%. She advised that the Recreation Department

revenue came in at 81% and expenditures were at 76%. She advised that they were looking at more events and hopefully soon be purchasing a slide.

Councilor Casey stated that Moody's downgraded the New Mexico bond rating and asked if it would have a negative effect on the City.

Interim City Manager Gallegos advised that she believed it would not affect the City due to being rated individually, along with the City's healthy cash balances and advised she would report on any changes.

Mayor Gurulé-Girón asked for the City's current asset ratio rating.

Interim City Manager Gallegos informed that she did not know at this time although would bring back that information to the Governing Body.

### **CONSENT AGENDA**

City Clerk Fresquez read the Consent Agenda as follows:

1. Approval of Resolution #18-24, a request to transfer a 2005 Ford Van, VIN#IFBSS31LD5HB30709, with mileage of 105,815 miles to Collins Lake Autism Center, a 501c3 Non-Profit Corporation.

Resolution 18-24 was presented as follows:

CITY OF LAS VEGAS  
RESOLUTION NUMBER 18-24

A RESOLUTION DONATING ONE 2005 FORD ECOLINE F350 VAN BELONGING TO THE CITY OF LAS VEGAS TO A NON PROFIT 501C3, COLLINS LAKE AUTISM RANCH AND DIRECTING THE CITY OF LAS VEGAS SENIOR CENTER TO DONATE SAID PROPERTY TO THE COLLINS LAKE AUTISM RANCH, MORA, NEW MEXICO.

WHEREAS, the City of Las Vegas wishes to donate to the Collins Lake Autism Ranch, described as follows:

1. 2005 Eco line F350 Van VIN # IFBSS31LD5HB30709

WHEREAS, the following described item is property, which is excess and not needed for any essential government function, it is no longer being used by the City of Las Vegas Senior Center Department.

WHEREAS, when this property is donated to another agency, it shall be understood that the property listed above may or may not meet current standards. The City of Las Vegas shall not be responsible for any cost associated with bringing said vehicle up to standards, and the City of Las Vegas shall be released from any liability associated with this vehicle.

WHEREAS, the receiving non-profit 501c3 agency accepts this vehicle on an "AS IS" basis, and accepts any and all costs associated with bringing said vehicle up to standards prior to placing vehicle in to service.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, that the above described item belonging to the City of Las Vegas Senior Center Department is hereby declared excess property and not needed for any City purpose of function and that said property should be donated.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

CITY OF LAS VEGAS:

\_\_\_\_\_  
TONITA GURULE-GIRON, MAYOR

ATTEST:

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

*Approved as to Legal Sufficiency Only*

\_\_\_\_\_  
City of Las Vegas Attorney

2. Approval of Resolution #18-25, to ensure the availability of matching funds for the participation in the New Mexico Department of Transportation Municipal Cooperative Agreement (COOP) for Keen Street from Grant Street to West National Avenue as well as West National Avenue from Keen Street to South Pacific Avenue.

Resolution 18-25 was presented as follows:

**CITY OF LAS VEGAS, NM**  
**RESOLUTION NO. 18-25**

A Resolution Supporting the New Mexico Department of Transportation Municipal Cooperative Agreement( COOP) SP-4-19-(957) for the Plan Design, Construction Management, Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements and Miscellaneous Construction for Keen Street from Grant Street to West National Avenue.

**WHEREAS**, the cost of the program stated in this resolution is Two Hundred Fifty Three Thousand Nine Hundred Eighty Dollars, (\$253,980.00); and

**WHEREAS**, the City of Las Vegas' Governing Body has declared improvements are needed to Keen Street

and West National Avenue a necessity for the good and well being of citizens of Las Vegas, New Mexico and to support this Cooperative Agreement for funding to accomplish the work; and

**WHEREAS**, the City of Las Vegas will work in accordance with the funding requirements of the Municipal Cooperative Agreement (COOP) program SP-4-19-(957) and will budget \$63,495.00 which is 25% of total cost of project of \$253,980.00.

**NOW, THEREFORE, BE IT RESOLVED** by the local governing body of the City of Las Vegas that the Cooperative Agreement for the above funding be submitted to the New Mexico Department of Transportation.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of June, 2018.

CITY OF LAS VEGAS

\_\_\_\_\_  
MAYOR TONITA GURULE-GIRON

ATTEST:

\_\_\_\_\_  
CASSANDRA FRESQUEZ, CITY CLERK

3. Approval of Resolution #18-26, the City of Las Vegas is interested in applying for the Local Government Fund Match Waiver Program per New Mexico Administration Code 18.27.3.8 for our FY 2018/2019 Project No. SP-4-19(957) control No. L400397.

Resolution 18-26 was presented as follows:

**STATE OF NEW MEXICO  
CITY OF LAS VEGAS  
Resolution #18-26**

**PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM AND REQUEST FOR  
MATCH WAIVER ADMINISTERED BY New Mexico DEPARTMENT OF  
TRANSPORTATION**

**WHEREAS**; the City of Las Vegas and the New Mexico Department of Transportation (NMDOT) have entered into a Municipal Cooperative Agreement;

**WHEREAS**; the total cost of the project will be \$253,980.00 with funding from NMDOT and \$63,495.00 from the City of Las Vegas;

**WHEREAS**; the share amount from NMDOT shall be 75% or \$190,485.00;

**WHEREAS;** the City of Las Vegas' proportional matching share shall be 25% or \$63,495.00 if a "Hardship" for "Match Waiver" is not deemed to be present by the Department of Finance and Administration and the NMDOT;

**WHEREAS;** the total project cost is \$253,980.00;

**WHEREAS;** the City of Las Vegas shall pay all costs, which exceed the total amount of \$190,485.00;

**WHEREAS;** the City of Las Vegas has a limited tax base which limits the funding for meeting the proportional matching share and a fund exists in the NMDOT appropriated by the New Mexico State Legislature for Public Entities" in need of "Hardship";

**WHEREAS;** the City of Las Vegas requests participation in this Match Waiver Program in the amount of \$63,495.00 to acquire funds;

**WHEREAS;** the project for this Municipal Cooperative Agreement program is to be adopted and has a priority standing for the proportional match waiver toward completion of the project.

**NOW THEREFORE, BE IT RESOLVED,** by the City of Las Vegas to enter into the Municipal Cooperative Agreement Project Number SP-4-19(957), Control Number L400397, with the New Mexico Department of Transportation's FY19 Local Government Road Fund (LGRF) Project, for the plan, design, construction, and construction management for Keen Street and West National within the control of the City of Las Vegas, in San Miguel County, New Mexico.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_\_ DAY OF JUNE, 2018.

CITY OF LAS VEGAS

ATTEST:

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

\_\_\_\_\_  
TONITA GURULE-GIRON  
MAYOR

4. Approval of Resolution #18-27, authorizing the application submission of a New Mexico Community Development Block Grant Program to the Department of Finance and Administration and authorizing the Mayor of the City of Las Vegas as the authorized Chief Executive Officer and Authorized representative to participate in the Community Development Block Grant (CDBG) program.

Resolution 18-27 was presented as follows:

**RESOLUTION NO. 18-27**

**A RESOLUTION OF THE COUNCIL OF CITY OF LAS VEGAS, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE**

**DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY OF LAS VEGAS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY OF LAS VEGAS PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS**, the need exists within City of Las Vegas for neighborhood improvement projects in several low and moderate income neighborhoods, and the City of Las Vegas desires to apply to the Housing and Urban Development's Community Development Block Grant Program to obtain funding for neighborhood improvement projects; and

**WHEREAS**, the City has held (4) Four public hearings for public input and comment on March 27, 2018 at 10:00 a.m. and 5:00 p.m. and March 28, 2018 at 10:00 a.m. and 5:00 p.m. prior to the 2018 application process; and

**WHEREAS**, the Council finds that there is a significant need to undertake the 2018 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street to provide adequate services to the community; and

**WHEREAS**, the Council determines that the 2018 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street meets the requirements of the Community Development Block Grant Program.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO**, that

1. The City of Las Vegas is hereby authorized to prepare and submit a Community Development Block Grant application to the New Mexico Department of Finance and Administration/Local Government Division (DFA) for the 2018 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street;
2. That the Council directs and designates the Mayor as the City of Las Vega's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City of Las Vega's participation in the New Mexico Community Development Block Grant Program;
3. The City of Las Vegas officials and staff are directed to do any and all acts necessary to carry out the intent of this Resolution;

4. That the full application amount the City is requesting will be for (\$750,000.00) from DFA and the Phase I project cost of three phases is estimated at (\$665,971.35);

5. That it further be stated, that the City of Las Vegas is committing a Match of 10% which is \$75,000 to carry out the 2018 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street for this 2018 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street;

**PASSED, ADOPTED AND APPROVED** this      day of      , 2018.

Signature, Chief Elected Official  
Name (Typed or Printed)

Applicant Entity (County or Municipality)

Title                      Date

SWORN TO AND SUBSCRIBED

Here Before me on this      day  
Of                              , 20\_\_

Notary Public

My commission expires

Place      Seal



5. Approval to award request for RFB #2018-18 for the North Grand Waterline project to Hays Plumbing & Heating, Inc.

6. Approval to award request for RFB #2018-19 for the Cabin Site tank rehabilitation project to D&R Tank Company.

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

**BUSINESS ITEMS**

1. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance No. 18-03 amending Ordinance No. 18-01 entering into a loan agreement with the New Mexico Finance Authority.

Councilor Casey made a motion to go into Public Hearing. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David G. Romero	Yes

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

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Gilvarry was sworn in.

Utilities Director Maria Gilvarry advised that Ordinance 18-01 was passed, approved and adopted at the City council Meeting on March 21, 2018 approving a loan with the NMFA for the purposes of obtaining for financing the acquisition of water storage rights. A principal amount of up to \$4,200,000.00 together with interest will be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be repaid from the distributions of the revenues from GRT. The funding agency requires that the loan be approved through ordinance. The original ordinance must be amended to allow delegation of authority to make certain determinations concerning the terms of the loan agreement and authorizing the taking of other actions in connection with the execution and delivery of the loan agreement and the intercept agreement.

Councilor Casey made a motion to accept the record proper. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Councilor Casey made a motion to close Public Hearing and reconvene into Regular Session. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes
Vincent Howell	Yes	David G. Romero	Yes

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

Councilor Casey made a motion to approve to adopt Ordinance 18-03 amending Ordinance No. 18-01 entering into a loan agreement with the New Mexico Finance Authority. Councilor Howell seconded the motion.

Ordinance 18-03 was presented as follows:

*-Due to length of document, a complete copy may be obtained at the City of Las Vegas, City Clerk's Office.*

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

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

Utilities Director Gilvarry advised that the permit should be approved by the end of next week from the State Engineer's Office.

2. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance 18-05 amendment to the Official Zoning map for property.

Councilor Casey made a motion to go into Public Hearing. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

City Clerk Fresquez asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Perea, Virginia Marrujo and Judith Long were sworn in.

Planning & Zoning Coordinator Maria Perea advised that the Long Living Trust, Michael & Judith Long, Trustees & owners of Lots 17,18,19, & 20, Block 12, of the Lopez, Sulzbacher & Rosenwald Addition to the el Dorado Town company, and known as 1117-12th Street, Las Vegas, New Mexico appeared before the Las Vegas Planning and Zoning Commission on May 29, 2018. Mr. & Mrs. Long are requesting that said property be rezoned from the present R-A (Residential Agricultural Zone) to an R-3 (Mixed Residential Zone). The applicant's intent is to place a mobile home on Lots 19 & 20 for a family member and sell Lots 17 & 18 in the future.

Mayor Gurulé-Girón asked if all variances had been met.

Planning & Zoning Coordinator Perea informed that all requirements had been met.

Judith Long advised that both zoning allows for mobile homes and stated that all they wanted was more flexibility of where to place the home on the property and extend the lot.

Councilor Howell asked if there had been any complaints from any neighbors.

Ms. Long advised that there was only one concern of a neighbor who thought they would be moving four mobile homes on the four lots although assured them that it would not be practical and they would not do that.

Councilor Casey made a motion to accept the record proper. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Vincent Howell	Yes	Barbara A. Casey	Yes

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

Councilor Casey made a motion to close Public Hearing and reconvene into Regular Session. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Councilor Romero made a motion to approve to adopt Ordinance 18-05 amendment to the Official Zoning map for property. Councilor Ulibarri, Jr. seconded the motion.

Ordinance 18-05 was presented as follows:

*Due to length of document, a complete copy may be obtained at the City of Las Vegas, City Clerk's Office.*

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

### 3. Approval/Disapproval to purchase a new Phone system.

IT Manager Kenny Roybal introduced Mike Murphy with Harris Technologies and advised that the City's current phone system had been failing and was in need of replacement. The cost to repair the current system is as much or greater than purchasing a new system. The IT Department with the help of Harris Technologies reviewed and quoted our three phone systems. The system that IT is recommending and best fits the need of the City is the Allworks system, replacing the analogue system with digital voice. He advised that IT Technician Orlando Gonzales was familiar with that system as he had training and was certified in the Allworks system.

Councilor Casey had concerns on costs between analogue and digital systems.

IT Manager Roybal advised that currently the City was paying about \$5,000.00 as opposed to paying \$2,500.00 a month with Allworks.

Discussion and questions took place regarding the upgrade of the phone system and operation and maintenance costs.

Councilor Howell asked if there was any other municipality utilizing this system.

Mr. Mike Murphy informed that West Las Vegas Schools and Mora Schools had purchased the system and added that it was a flawless implementation. Mr. Murphy advised that with the purchase of the system there would be a 5 year warranty and support, which included software upgrades for free. He advised that if Allworks had to install software, there would be a small cost although Orlando Gonzales was familiar with the system which would be a benefit in being cost effective.

Mayor Gurulé-Girón advised Interim City Manager Gallegos to monitor the dollar amount of the purchase of the phone system.

Councilor Howell had questions and concerns regarding the issues that have come with the broadcasting of meetings.

IT Manager Roybal explained the process of broadcasting between Highlands University and Comcast and stated that the City had no control over the equipment although stated that the City was in communication with Comcast and Highlands of taking ownership of the equipment and having control and maintaining of the system on the City's end.

Councilor Casey made a motion to approve to purchase a new phone system. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

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

Mr. Murphy advised that on behalf of Harris Technologies, they were thankful to the City of Las Vegas for the opportunity and looked forward in serving the City for many years.

## **COUNCILORS' REPORTS**

Councilor Romero advised there were some issues brought to him from Recreation Center members regarding exercise equipment that was not being used and requests for privacy rooms.

Interim City Manager Gallegos and Interim Recreation Manager Sonia Gomez ensured that those issues would be addressed.

Councilor Romero recommended that a walking lane for students be placed in the area of South Gonzales Street behind West Las Vegas Schools and explained the students were walking on the street and that was very hazardous. Councilor Romero also stated that weeds throughout the City needed attention.

Councilor Casey stated she received a complaint regarding Rheua Pearce Park near Bridge Street and that it desperately needed attention and felt it would be good due to the fiestas quickly approaching. She advised of another complaint received regarding the City's website and the difficulty to navigate when trying to find out information pertaining to Water updates. Councilor Casey also stated that she had requested that her e-mail address be added to the City's website and asked why the Housing and Special audits were not available on the City's website.

Interim City Manager Gallegos advised that she was not certain if the Housing Audit was approved yet and not sure if they were able to disclose it and informed that the City's 2017 Audit should be available on the website. She advised that the Special Audit was available on the State Auditor's website.

Councilor Casey asked when the next City Auction would take place.

Interim City Manager advised that the auction would take place possibly in August or September, after approval from Council of the departments' lists.

Councilor Casey advised that she had requested a monthly report for all the Councilors on personnel changes, resignations, terminations and transfers and stated that there was a shortage in the Human Resource Department.

Interim City Manager Gallegos advised that the list had been completed and sent to Councilors that afternoon.

Councilor Howell had a suggestion regarding the front page of the City's website, and naming the section "Did you know?" He stated it could consist of bullet points that pertained to the community.

Utilities Director Gilvarry informed that the the City was at a Stage 0 which meant there were no water restrictions although she recommends to use water wisely, not to be wasteful and cars could be washed in yards conservatively. She stated that this information had been put out through radio, PSA, Las Vegas Optic and made sure that information was more prominent on the City's website.

Councilor Howell reported that the area near Alta Vista Hospital and Love's Truck Stop (Grand Ave.) needed attention due to there being a great deal of trash there. He also asked if there had been a meeting scheduled with the AWC and the community yet.

Interim City Manager informed that they had previously scheduled a meeting although would be rescheduled due to there not being enough publication and more information that needed to get out to the public. She advised she would inform Council of the meeting date.

Councilor Ulibarri, Jr. thanked all Directors and City staff for all their hard work in moving the City forward.

### **EXECUTIVE SESSION**

Interim City Manager Ann Marie Gallegos advised that there was no need to go into Executive Session.

Councilor Romero made a motion to go into Executive Session to discuss personnel matters and stated that the community had been wondering what was happening regarding the appointments.

Mayor Gurulé-Girón advised that there would be no need for Executive Session and stated she had nothing to hide, and advised they had conducted interviews for Police Chief and City Attorney and were waiting on an Attorney to negotiate an

actual contract for the City and that she could not set up the Organizational Meeting at this point in time. She advised that once that contract was flat ironed then would be brought to Council to review and put on the Organizational Meeting and added that regards to the City Manager, she was looking to set up a committee so they could interview for that position and would also be discussing the City Clerk with Council in the future, as well.

Councilor Romero asked for clarification, regarding the Mayor bringing the contracts to them before the meeting.

Mayor Gurulé-Girón clarified that she absolutely would and stated that she would set up the Organizational meeting although could not set one up until she had those contracts because it was only fair that Council review those contracts in order to make a determination on the day of approval or disapproval. She added that Council could make amended changes if they were not happy with the contract.

Councilor Romero asked if there would be a name to the contract.

Mayor Gurulé-Girón stated “there would be a name to that contract, once a confirmation happens, I’m trying to work this out with Attorneys and then at that point in time, will bring the contracts which would be at the same time of the Organizational meeting or shortly thereafter, so we can review the contracts.”

Councilor Romero advised that at that time he would give his opinion and stated that if he would be given a contract with a name and not have enough time to research, he would vote “no”.

Mayor Gurulé-Girón advised that a three day notice would be enough to review the contracts.

Councilor Casey asked a question regarding the Council reviewing the applicants’ resumes for that position.

Mayor Gurulé-Girón stated that the selection committee had reviewed the resumes.

Councilor Casey asked, what about the Council and stated that they were the ones that had to vote.

Mayor Gurulé-Girón advised that Council did not appoint and they only confirmed or denied and added that the Charter was being followed.

Lengthy discussion took place regarding previous appointments, the process and recommendations.

Councilor Casey stated that she felt it was not appropriate for a community committee to have access to applicant resumes and information and felt that Council should have that information because Council was the one to vote for approval. She stated that Council was expected to approve contracts right away without the information of the applicants.

Mayor Gurulé-Girón advised that in the past, she had taken Councilor Casey's recommendation for City Attorney without questions regarding a resume.

Councilor Casey stated that Council had taken Mayor Gurulé-Girón's recommendation for City Manager last year, March 2017. She advised that she requested an agenda item to review the position of City Manager and was rejected.

Councilor Casey advised that the Special Audit did state that the City Manager did not have the requirements to be City Manager and her concern was that she did not want to approve someone without knowing for a fact that they were truly qualified and wanted to see it in black and white and felt it was a fair request.

Mayor Gurulé-Girón stated that was not what the audit stated, she advised that he did not meet certain criteria to the ICMA and followed up, she advised that he did meet the criteria and that at the time she was certifying Mr. Trujillo, she spoke to City Clerk Fresquez and asked her to certify that. Mayor Gurulé-Girón stated that City Clerk Fresquez advised that he was qualified for that position. Mayor Gurulé-Girón advised that the ICMA report called for him to be registered and informed that she followed up and checked after. She stated that he was and is registered and would get Councilor Casey a copy of the report.

Councilor Casey advised that Mr. Trujillo registered 4 months after he was hired and that the Charter stated that the City Manager had to be registered with the ICMA at the time of approval.

Mayor Gurulé-Girón added that the ICMA rules were changing regarding registration.

Councilor Casey stated that she would like to see that information regarding the change.

Mayor Gurulé-Girón advised that she would get that information to her.

Councilor Howell stated that Mayor Gurulé-Girón stated that they would see a contract on the appointee and asked, “what if the appointee was not selected before they saw the contract”. He advised that he thought they would agree to the appointee and then develop a contract.

Mayor Gurulé-Girón stated that she would talk to the Attorney about that although they still had to develop the contract with no name on it.

Councilor Howell advised Mayor Gurulé-Girón that Councilor Romero asked her if the contract would have a name on it, and that she mentioned “yes”.

Mayor Gurulé-Girón stated that she would not have a name on the contract although the confirmation would, after Council’s approval.

Councilor Howell asked if they had gone out on a search for a City Manager.

Mayor Gurulé-Girón advised “not yet”, and stated that she believed at this point in time, they should focus on the two positions. She advised that she spoke with Danelle Smith who advised her, if she attempted to appoint anyone at this point in time without searching, it would be a dereliction of duty and added that she was searching, although was not a public search.

Councilor Howell stated that he felt that the four appointees should be accountable to all five of the Governing Body members and not only to one and that they needed to have a good part in the selection of appointees.

Mayor Gurulé-Girón advised that she thought the committee she appointed to interview was an exceptional committee.

Councilor Howell stated that the Council members did not know who the committee members were.

Mayor Gurulé-Girón stated that she preferred that Council did not know who the committee members were because she did not want anyone influenced prior to the interviews. She advised that the committee for Police Chief were: Mack Crow, Dr. Dolores Ortega and herself. For City Attorney: Kim Delgado, Roy Montibon and herself.

Councilor Howell asked if she selected the committee members from each one of Council's Districts.

Mayor Gurulé-Girón advised no, and thought that it was her duty to set it up and set it up with individuals who were reputable in the community and she believed that they fell in certain districts although did not pick and choose which ones.

Councilor Howell stated that he felt it would have been good to have a voice from each district.

Mayor Gurulé-Girón stated that his voice would be on the day he would confirm.

Councilor Howell stated that he thought it was sad that she was not involving the Council.

**ADJOURN**

Councilor Ulibarri, Jr. made a motion to adjourn. Mayor Gurulé-Girón adopted the motion to adjourn.

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Mayor Tonita Gurulé-Girón

ATTEST:

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Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORKSHOP  
HELD ON WEDNESDAY, JUNE 27, 2018 AT 3:00 PM-5:30 PM IN THE  
CITY OF LAS VEGAS COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** Barbara A. Casey  
David G. Romero  
David A. Ulibarri, Jr.  
Vincent Howell

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk

**ABSENT:** David Silva, Acting City Attorney  
Chris Lopez, Sergeant at Arms

**CALL TO ORDER**

The meeting was called to order at 3:00 p.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Romero asked for a moment of silence to remember those we had lost within our community this past week and prayed for much needed moisture.

**APPROVAL OF AGENDA**

Councilor Casey made a motion to the approve the agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes

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

### **PUBLIC INPUT**

Corinna Laszlo-Henry advised that it was a good idea to update the Governing Body’s Rules of Procedures and spoke regarding Sections, 2.07C (the Governing body shall develop its own rules of procedure) and 2.08D (the Governing body shall adopt by ordinance, procedures for introduction and adoption of ordinances) of the City Charter. She informed that the Charter stated it should be an ordinance adopted by the Governing Body and the reasons for that was, the City Manager works for the Governing Body, and added that the hierarchy of laws were the: Charter, State Law, Ordinances, Resolutions and Administrative Regulations.

Mayor Gurulé-Girón advised that the City was looking into engaging into a contract with a Municipal League Attorney, working to ensure that everything was being looked at and adhered to and stated that he was very well respected throughout the state.

Ms. Laszlo-Henry advised that she hoped that that full text would appear on an agenda for an action item as well.

### **Introduction by Mayor Tonita Gurulé-Girón**

Mayor Tonita Gurulé-Girón advised that on May 15, 2018 Sunrise Medical Clinic, Harmony Solutions and Timothy Dodge hosted a workshop for the City of Las Vegas Governing Body. The workshop was held at Charlie’s Spic & Span. The first step of a S.W.O.T analysis was conducted and the Governing Body agreed to continue the process of analyzing the information to establish goals and objectives and prioritizing the results. It was agreed, the continuation of the workshop would be held on the June 27th 2018 at City Hall from 3:00 PM to 5:30 PM.

Councilor Howell asked why the Workshop was not being televised.

City Clerk Fresquez advised that the contract with Highlands University included televising only Regular and Work Session meetings and explained that she thought the Workshop would not be televised due to the previous Workshop not being televised. She advised that all meetings would be televised from now on, if those were the wishes of the Governing Body.

Timothy Dodge thanked the Governing Body for inviting Greg Stuart and himself back and stated that Sunrise Medical Clinic had been covering the costs for Mr. Stuart and advised that he had been volunteering his time. He advised that Dr. Brown and Dr. Jesus Tafoya were sponsoring the workshop and were committed to helping in making Las Vegas a better community. He stated that from his perspective, when watching the City's Council meetings, he saw that the Governing Body was making progress in communicating and working well together.

#### **1. Overview of the S.W.O.T.**

The list of strengths & weaknesses, along with external opportunities and threats developed by the Governing Body of the City of Las Vegas at the May 15th workshop will be presented and reviewed. The Governing Body members may modify the list.

Mr. Dodge gave an overview of the SWOT and discussion took place regarding the lists of strengths & weakness, external opportunities, threats and actions with the Governing Body.

Interim City Manager Gallegos explained the skating pond as one of the actions, reporting that the pond was currently being dredged (funded by NMFA), and were looking at developing the skating pond. She stated that the next step would be to look for more funding for future development.

Councilor Howell advised that he felt that the Comprehensive planning action was key out of all the action items.

#### **2. Update on the Governing Body's Rules of Procedures.**

At the May 15th workshop the Governing Body made a commitment, this goal would be worked on and assigned to Ann Marie Gallegos Interim City Manager to work on redrafting and adoption of the Governing Body's Rules of Procedure.

Interim City Manager Gallegos advised that a 2010 draft was available for Mayor and Council. She stated with the new fiscal year ending they would contract an Attorney who would be well versed in the Governing Body Rules and Procedures and would have the Attorney review, make recommendations and would bring it back to Mayor and Council for their revisions.

Councilor Casey advised that if the person working on the Governing Body's Rules of Procedures would work in isolation, it would not be good due to conflicts with City Charter and City Ordinances and would need to look at all three areas in order to make recommendations.

Discussion took place regarding the process of changes in the Governing Body's Rules, City Charter and City Ordinances.

Councilor Casey asked if the Council would be able to give their input of what they would like to see in those three documents or would the contracted person make changes and then be brought to Council.

Interim City Manager Gallegos explained that normally the first part in the review process was to name a committee to look at the policies and procedures, then it would be brought to Mayor and Council for their recommendations and one of the documents would go through referendum as well. She stated this needed to get done to avoid confusion and conflicts regarding rules and procedures.

Councilor Casey recommended that these committees be made up of people who were familiar with the Governing Body Rules & Procedures, the City Charter and City Ordinances in order to recognize the challenges of working with contradicting documents.

Councilor Romero recommended that during the process, there needed to be a lot of dialogue with Council so that they have the opportunity to input otherwise it can cause for a lot of time to be wasted, with Council rejections and having to bring the items back and forth.

Mayor Gurulé-Girón advised that that was a fair statement and felt it was important to follow the process, to ensure that ordinances, resolutions and laws were not broken. She stated that the committee would consist of individuals with knowledge as a Charter commission member and other members who have established policies as well and to include Governing body input as well.

Councilor Howell stated the committee should have voices from each of our districts.

Council Ulibarri, Jr. stated that it was important to have knowledge of the process.

Lengthy discussion took place of the importance of placing knowledgeable people to serve on the committee and the Governing Body Rules and Procedures, adopted in 2010 and the timely review process.

Councilor Casey stated that she had the 2002 copy of the Rules & Procedures and requested that the 2010 copy be available to Council, so that they may be able to review/compare and give concerns to Attorney to make recommendations to update the document.

Discussion took place regarding the question of the approval of the 2010 Governing Body Rules & Procedures.

City Clerk Casandra Fresquez clarified that the the item was on the agenda in 2010, ready to be presented to Council and was pulled from the agenda prior to the meeting, never being reviewed by Council.

Councilor Romero asked Mayor Gurulé-Girón to be more open when reviewing agenda request items brought forth by Council to be placed on meeting agendas.

Lengthy discussion took place regarding various ways on how to address and discuss community issues.

Councilor Howell had questions regarding Resolution 02-17 as part of the Governing Rules & Procedures.

City Clerk Fresquez explained that “02” indicated the year the resolution was adopted.

### **3. Analysis of SWOT information**

The Governing Body will work to analyze and develop the goals and objectives from the information.

Mr. Dodge asked the Governing Body to prioritize the Actions, using 1-14 to rank, 14 being the highest and reflected the following:

- |   |  |                                       |
|---|--|---------------------------------------|
| 1. Charter-63   | 5. Comprehensive planning- 38            | 11. Town Hall Mtgs./Marketing Inv.-20 |
| 2. Engage Coppler-58  | 6. Team Building/Executive Contracts -37 | 12. Renegotiate Utility Contracts-18  |
| 3. Procedural rules- 55   | 7. Competitive Pay-35                    |                                       |
| 4. Charter commission with<br>Competence in how the Mayor<br>and Council are operating-54 | 8. Job Descriptions-31                   |                                       |
|   | 9. Skating Pond-23                       |                                       |
|   | 10. Recovery Center-21                   |                                       |

Mayor Gurulé-Girón stated that as part of the Charter Committee, to hire an independent Attorney who specialized in Municipal and County laws and procedures in order to focus only on the actions to change the Charter.

Mr. Dodge suggested that a strong chair should be appointed to oversee the Charter commission and added that it was stated in the City Charter.

#### **4. Prioritizing Goals & Objectives into an improvement plan process**

The goals and objectives will be prioritized into an improvement plan process. This “tool” will help ensure follow through with the goals by creating a systematic process of reporting on the progression of the goals and objectives to be achieved.

Discussion took place regarding goals and timelines to complete the City Charter changes.

Mr. Dodge strongly recommended to the Governing Body that they create a Charter Commission, obtain an Attorney, have them decide how long the process will take and come back to the Governing Body with a date of completion.

The exchange of ideas took place regarding the importance of tasking the Charter Commission of developing the Rules and Procedures and Ordinances so that they tie into the City Charter in order to have a clear comprehensive outline of policy.

Also discussed were the actions of the Charter Referendum Adoption taking place by June 30, 2019, completing negotiations of a Professional Services contract with Coppler for an Attorney by July 18, 2018 and to appoint a complete Charter Commission by August 18, 2018.

The topic of internal input was discussed which included Job Descriptions and Competitive Pay.

Mayor Gurulé-Girón stated that Job Descriptions were under Human Resource Directors' authority and asked when the last time Job Descriptions were updated.

City Clerk Fresquez stated that the last time the process had started was in 2015 by HRganics although was never completed as the City Manager has final authority on all contracts and it was decided at that time to hold off on the completion.

Discussion took place regarding the process of continuing the review of Job Descriptions and Pay Scale.

Mayor Gurulé-Girón thanked Mr. Dodge and Greg Stuart for conducting the workshop at no cost to the City.

Brief discussion took place regarding narrowing the actions list in order to realistically manage priority goals.

There was further discussion and consensus made regarding the completion date of Rules and Procedures draft by September 18, 2018, to complete draft Ordinances by January 2019, to complete Executive contracts with Coppler by July 18, 2018 and to complete draft Ordinances by January 2019 or TBD (with monthly updates given).

The difference between the Master Plan, Comprehensive and Improvement Plan was discussed in detail. It was agreed that the Comprehensive Planning would be changed to an Improvement Plan which would include Goals and Objectives and the Action Plan. Discussion took place pertaining to the Governing Body establishing Goals and Objectives for Department Directors to move forward with Improvement plans with City Manager as Designee. It was agreed by the Governing Body to bring the Improvement Plan to the Organizational meeting (date TBD).

Mayor and Council discussed Goals and Objectives from the previous year. Mr. Stuart briefly talked about the plans of the Governing Body regarding the Goals and Objectives drafted previously which would be reviewed and reconciled and presented at the Organizational meeting that hopefully would be held by July 18, 2018. It was agreed by everyone to present a draft of an Improvement Plan by September 18, 2018.

Mr. Dodge recommended that the City make the statement of being a “business friendly” organization and work towards that objective, empowering Directors and their departments to reach that goal.

Further discussion took place of various ways for Directors to meet goals and objectives and how they could improve on reporting of progress made on monthly reports.

Councilor Howell stated that Mr. Dodge and Mr. Stuart had accomplished what they came to do and noted that the Governing Body was actually discussing internal issues.

Mayor Gurulé-Girón thanked Timothy Dodge and Greg Stuart for being there to guide the Governing Body and stated that the Governing Body’s best interest was to serve the constituency and that their goal was to resolve conflict and move the City forward. She thanked the Council, City Manager Gallegos and City Clerk Fresquez for attending the meeting.

Mr. Dodge stated that their intent was to take the information discussed today and create a simple improvement plan that would be available in document form for the Governing Body that should be used as a management tool.

**ADJOURN**

Councilor Ulibarri, Jr. made a motion to adjourn. Mayor Gurulé-Girón adopted motion to adjourn.

Meeting was adjourned at 5:40 p.m.

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Mayor Tonita Gurulé-Girón

ATTEST:

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Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD  
ON WEDNESDAY, JULY 18, 2018 AT 6:00 P.M. IN THE CITY OF LAS VEGAS  
COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** Vincent Howell  
David G. Romero  
David A. Ulibarri, Jr.  
Barbara A. Casey

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
David Silva, Acting City Attorney  
Chris Lopez, Sergeant at Arms

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Ulibarri, Jr. asked for prayers for the kids, coaches and parents as they traveled to Regionals with the Little League Team.

**APPROVAL OF AGENDA**

Councilor Ulibarri, Jr. made a motion to approve the agenda.

Mayor Tonita Gurulé-Girón asked if there was a second on the motion. There was no second to the motion.

Councilor Casey stated that the majority of the Council had made agenda requests on several occasions and had been ignored or rejected and stated that items never

appear on the agenda. She advised that it was difficult for this Council to approve an agenda that has nothing in it that they want.

Councilor Casey advised that another concern was that the four positions had not been filled and should have already been named by Mayor Gurulé-Girón, as she stated that two of the positions would be filled within two weeks at the June Council meeting and would be addressed at a Special meeting. Councilor Casey stated that more than two weeks had gone by and nothing had happened, she added that statutory and Charter timelines had been missed, that they had not re-organized and that the Charter was also a concern to her.

Councilor Casey advised that as stated by Mayor Gurulé-Girón, “it was her due diligence in looking for someone who was highly qualified to fill the four positions”, and added that the Mayor knew since December, that at least three of those positions needed to be filled by the end of April, after the Run-Off Election. She advised that Mayor Gurulé-Girón stated she would advertise those jobs and conduct a nationwide search although after researching, she found that it was not listed on the City’s website, any job sites or Workforce Solutions website, which listed all jobs throughout the state, the Albuquerque Journal or the Santa Fe New Mexican. Councilor Casey stated that this needed to be addressed, that they had waited long enough and they needed to take action in moving the City forward. She stated that the Police Department could not follow through with their collective bargaining and that other departments were working on hold.

Councilor Casey advised that the whole time she had been a member of the Council, her agenda requests had never been honored as well as Councilor Howell’s and Councilor Romero’s as well. She added they would like items on the agenda that they could discuss that were concerns of their constituency and should be addressed as soon as possible.

Mayor Gurulé-Girón stated that there was a process regarding filling the positions, and asked City Clerk Fresquez to read a memo into the record as follows:

*MEMORANDUM*

*Subject: RESPONSE TO NOTICE OF SPECIAL GOVERNING BODY MEETING*

*From: Mayor Tonita Gurule-Giron*

To: *Casandra Fresquez, City Clerk  
Vincent Howell, City Councilor  
Barbara Perea-Casey, City Councilor  
David G. Romero*

Date: *April 26, 2018*

*I am in receipt of a "Notice of Special Governing body Meeting called by a majority of Governing Body." This Notice is improper and the City Clerk is directed NOT to publish Notice of this Meeting.*

*The Governing Body adopted, by Resolution 02-17, on July 17, 2002, the City of Las Vegas Governing Body Rules of Procedure. This has been in effect since that time and has never been revised or repealed. Procedurally, this Resolution has always been followed. While the Council has the right to call a special meeting, the Charter is not clear that they have a right to set a particular date and they do not have the right to set the Agenda.*

*This Resolution allows for preparation of all meeting Agendas by the City Clerk, through the Mayor and City Manager. I have not approved the addition of the issuance of a Request for Proposals for a search for a new City Manager. Therefore, such an Agenda item is inappropriate.*

*Also, the City Charter, in Section 5.01, states that the Mayor shall appoint a City Manager, subject to Council Approval. Therefore, it is my decision as to how the City Manager will be selected, not the City Council Members. I am preparing a plan for the process that I intend to use in selecting a new City Manager which will be presented by me at the Organizational meeting of the City Council. It is inappropriate for the City Council to attempt to subvert the City Charter by placing such an item on an Agenda for a City Council meeting.*

*No Request for Proposal process can force me to name any particular person as the City Manager.*

*For these reasons, I am directing the City Clerk to NOT publish the Notice of Special Meeting.*

*Further, it appears that the other Councilors have been in violation of the Open Meetings Act in the preparation of this Notice. It would appear that the process of a "rolling quorum" has been used. It would also appear that there was a prior violation of the Open Meetings Law at the time of the censure vote of my Administration. A referral to the Attorney General's Office for further investigation is appropriate for these violations.*

Mayor Gurulé-Girón advised that she had provided the memo to the Optic although was never followed up by them and anything given to them was never represented. She addressed Mr. Brooks and stated that in the attempt to give him a corrected or an accurate story, he ignored or circumvented the process, only publishing what was convenient and never getting both sides of the story. Mayor Gurulé-Girón stated she had never ignored the wishes of the Council and that the memorandum just read was clear on the process and that this was not a good

time to discuss the Special Audit due to the attorney not being available for the discussion. She advised that she did call an Organizational meeting, that it was an impossibility for three Councilors to have an emergency, not being able to attend and that it was her due diligence to set meeting dates and she did not have to set meetings to accommodate Councilors.

Mayor Gurulé-Girón stated that regarding contracts, Randy Vanvleck, who the City had a contract with, had been previously contacted by Interim City Manager Ann Marie Gallegos although he failed to get back to the City. She stated that they were moving forward and spoke with City Attorney Danelle Smith, who had worked on the City contracts. Mayor Gurulé-Girón added that they still needed to negotiate the contracts with the individuals who were recommended for Police Chief and City Attorney and added that the contracts had been given to her last week (Friday) and stated that she was reviewing the contracts and that she would be having a meeting with the individuals who had been offered the positions, hopefully by the end of this week, if not, no later than next week.

Mayor Gurulé-Girón stated that regarding the Special Audit that once there was an exit conference it was final and there was nothing further to discuss and added that it was public and available on the State Auditor's website. She stated that she did not know why another Special Audit would be needed and added that this Special Audit cost \$80,000.

Mayor Gurulé-Girón advised that regarding advertising for the positions, she had been speaking to individuals to get the word out, that they may apply if interested and added that they had received applications. She advised that the interview committee would bring recommendations to the Council, consistent with policy and would be advertising the City Manager position through ICMA. She added that she was unaware of other agenda item requests that were not honored and was aware of only two.

Councilor Howell stated that the three Councilors signed the first agenda request for discussion and approval or disapproval for the search of a City Manager, and if they would have had that meeting, everyone's concerns would have been discussed and that was the importance of the agenda item request. He stated that on the second agenda item requested, was not to review the Special Audit although to discuss the recommendations that were made from the Special Audit and questioned that if the City spent that much money on the audit, why wouldn't

they want to discuss the recommendations as a team and to get input from the public on those recommendations.

Councilor Howell advised that he thought it was important to be inclusive and in his opinion, felt that Council had not been included in a lot of the decision making processes that had been happening in the last year and a half. He added that he thought the Mayor had made many unilateral decisions that really affected the team building concept that they should have.

Councilor Howell stated that he was very disappointed in the lack of acknowledgement of the Council's requests for agenda items and that it was important that the public knew that the Council was very interested in making sure the community's interests were held up front. He stated that the community needed to move forward and for the Council to have the opportunity to give input into some of the critical and very demanding decisions that had to be made such as the appointees, the goals and objectives that had been discussed at several retreats and that it was important that Council was included and personally felt they had been alienated by the Mayor and she made this Governing Body very divisive.

Councilor Howell stated that the community advised him of the Governing Body not working together and that it was important to work as a team and that the Mayor hears all of Council's comments, in order to make a decision. He advised that the Council wanted to include their feedback, and were needed by the community to lead the City forward and addressing issues that were brought up through public input.

Councilor Ulibarri, Jr. advised that the Special Audit had been discussed and the things that needed to be done were explained to them and was understood by him although was not sure if it was understood by his colleagues. He stated that he was never aware of the agenda item that was requested to be placed on the agenda by the rest of the Council.

Heated discussion took place regarding several issues of divisiveness among the Governing Body.

Councilor Romero apologized to the public for what was happening, he stated that he was taking a stand for all his colleagues and that every single one of them deserved to be heard. He advised that he had been in discussion with the Mayor

and could easily say that more than likely he could get an item on the agenda although would not be fair to everyone. Councilor Romero advised that everyone should be able to place an item on the agenda and stated that he supported Councilor Howell regarding the agenda item and informed that Councilor Howell mentioned it during an open meeting, that there was not a rolling quorum and that the process was followed.

Councilor Romero advised that he was taking a stand and was the voice for everyone and that he spoke with Mayor Gurulé-Girón regarding a couple of agenda items which did not fall through although stated that it was not fair for everyone, due to there being times that he might be in the minority and because of that it did not mean that it should not be placed on the agenda. He advised that he was taking a stand for the majority tonight and asked Mayor Gurulé-Girón to please be willing to listen to Council and place items on the agenda.

Councilor Romero stated that he was not here when the Special Audit took place, he had no idea what the City was doing and that he would have liked for the officials to inform him of the Special Audit and felt that it was about time that any Councilor should be able to place anything on the agenda.

Mayor Gurulé-Girón stated that there was a process to place items on the agenda, and advised that when she was contacted by Councilor Romero, she worked with him as she does with anyone, that Councilor Casey had not come to her personally regarding agenda items and that she worked with Councilor Howell on the resettlement. She advised that she had never turned down anything that had come to her other than the two and regarding the second agenda item requested had not been turned down and stated that the Attorney needed to be present.

Mayor Gurulé-Girón suggested a Town Hall meeting to discuss the Special Audit, so that it may be open to the public, open for any questions. She commended Councilor Romero for his professionalism.

Councilor Romero advised that thirty minutes had been wasted. He stated that he was going to stick up for the Councilors and that their voices of their constituents should not be shut down.

Mayor Gurulé-Girón asked once again if there was a second motion on the approval of the agenda. There was no second.

**ADJOURN**

Mayor Gurulé-Girón then asked for a motion to adjourn. Councilor Casey made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón called the meeting adjourned.

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Mayor Tonita Gurulé-Girón

ATTEST:

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Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS SPECIAL CITY COUNCIL MEETING HELD ON THURSDAY, JULY 26, 2018 AT 4:00 P.M. IN THE CITY OF LAS VEGAS COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** David A. Ulibarri, Jr.  
Vincent Howell  
Barbara A. Casey  
David G. Romero

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
David Silva, Acting City Attorney  
Chris Lopez, Sergeant at Arms

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Ulibarri, Jr. asked for a moment of silence for everyone to open their eyes to what was going on, to keep their minds straight, to be happy, to be truthful and to keep working hard for the City.

**APPROVAL OF AGENDA**

Councilor Casey made a motion to approve the agenda as is. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

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

### **PUBLIC INPUT**

Marshall Poole with the AWC gave a brief overview of the requests regarding the contract with the City of Las Vegas which included:

- Sole source designation
- 4 year term-AWC/City Contract
- Contract tied to Consumer Price Index
- Annual increase (1st year)-\$5,600.00

Mr. Poole thanked the City on behalf of the AWC for the opportunity to run the shelter, he stated that they had added a lot to the operation over 5 years and looked forward to continuing the working relationship with the City.

### **BUSINESS ITEMS**

Interim City Manager Ann Marie Gallegos advised that Interim Finance Director Tana Vega and General Accountant Darlene Martinez would present on the budget.

1. Approval/Disapproval of Resolution 18-30 to approve final budget adjustment request for submission to DFA Local Government Division.

Interim Finance Director Tana Vega advised that the City of Las Vegas was in need of increasing or decreasing the FY 2018 budgeted revenues and/or expenditures, transfers in or out within various funds. Attached BAR request shows the fund breakdown. The City of Las Vegas is required to approve and submit the Final 2017-2018 DFA Budget Adjustment Request no later than July 31, 2018 and advised of increases totalling \$6,661.00.

Councilor Casey made a motion to approve of Resolution 18-30 to approve final budget adjustment request for submission to DFA Local Government Division. Councilor Howell seconded the motion.

Resolution No. 18-30 was presented as follows:

STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION 18-30

FISCAL YEAR 2017-2018  
BUDGET ADJUSTMENT REQUEST

**WHEREAS**, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a final budget adjustment request for fiscal year 2017-2018; and

**WHEREAS**, said budget adjustment request was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

**WHEREAS**, the City of Las Vegas is in need of making final adjustments in the 2017-2018 fiscal year budget;

**WHEREAS**, it is the majority opinion of this governing body that the final budget adjustment request is approved and meets the requirements as currently determined for fiscal year 2017-2018;

**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 budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 26th day of July 2018.

\_\_\_\_\_  
Tonita Gurule-Giron, Mayor

ATTEST:

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

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
Danielle Smith, Interim City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David G. Romero	Yes

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

2. Approval/Disapproval of Resolution 18-31 to approve the final 2017-2018 DFA Financial Report for submission to DFA Local Government Division.

Interim Finance Director Tana Vega advised that the City of Las Vegas was required to approve and submit the Final 2017-2018 DFA Financial Report no later than July 31, 2018.

Councilor Howell asked if the Lodger's Tax 5% increase was included in the financial report, when the increase began and asked if all the Hoteliers were informed because he understood that they had not been notified.

Interim Finance Director Vega advised that the Lodger's Tax increase was included in the report, that the increase began on July 1st. She stated that she was notified that the establishments had not been notified on July 15th and that the ordinance had been posted on the City's website and that it had been discussed at Lodger's Tax meetings. Ms. Vega explained that they had addressed the situation, by notifying them and providing them the revised Lodger's Tax report.

Councilor Howell asked if there was enough funding in the budget to take care of the major concerns of repairing our roads.

Interim City Manager Gallegos explained that this approval for Resolution 18-31 was for the final year end closing and would address the final budget with the next business item.

Councilor Romero made a motion to approve of Resolution 18-31 to approve the final 2017-2018 DFA Financial Report for submission to DFA Local Government Division. Councilor Ulibarri, Jr. seconded the motion.

Resolution No. 18-31 was presented as follows:

STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION #18-31

**WHEREAS**, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget for fiscal year 2017-2018; and

**WHEREAS**, the final quarterly report has been reviewed and approved to ensure the accuracy of the beginning balances used on the FY 2018-2019 Budget; and

**WHEREAS**, it is hereby certified that the contents in this report are true and correct to the best of our knowledge and that this report depicts all funds for fiscal year 2017-2018.

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the governing body of the City of Las Vegas, State of New Mexico hereby approves the final quarterly report for FY 2017-2018 hereinafter described as Attachment and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

**Resolved:** In the Special Council Meeting this 26th day of July, 2018.

\_\_\_\_\_  
Tonita Gurule-Giron, Mayor

ATTEST:

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

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
Danielle Smith, Interim City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

3. Approval/Disapproval of Resolution 18-32 to adopt the final FY 2018-2019 Budget for submission to DFA Local Government Division.

Councilor Howell apologized for the error in asking the question that referred to the final FY 2018-2019.

Interim Finance Director Tana Vega advised that the City of Las Vegas was required to develop, approve and adopt a 2018-2019 Final Budget for submission to DFA Local Government by July 31, 2018 that included the Resolution process. She advised that the 2019 Budget Hearings were held on May 24, 2018 and added that any updates, additional grants awarded, in or carryovers to the preliminary 2019 final budget would be included to the 2019 final budget.

Interim Finance Director Vega advised that they continue to monitor the revenues and report to Mayor and Council on a monthly basis. Ms. Vega stated that cash

balances were also being monitored daily and were available and a part of the final 2019 budget.

Interim Finance Director Vega gave a detailed overview of the 2019 General Fund Budget regarding revenues, expenditures, transfers and increases within the departments.

Councilor Ulibarri, Jr. had a question regarding the tire cutter that would be purchased and asked if it would shred or cut.

Utilities Director Maria Gilvarry advised that the Environment Department was the source of the grant for the purchase of the tire cutter that would be used to shred tires received from the community, with the cost of \$5.00 per tire to dispose. She advised that the shredded material would possibly go to use at parks or schools and would not be disposed.

Councilor Casey had a concern regarding the money that had not been expended between December and June 30th on a full time Attorney and asked if it would rollover to the 2019 budget.

Interim Finance Director Vega reported that no amounts from the prior year roll over, other than grants and that remains in the cash balance.

Councilor Casey asked if there was an increase regarding the Animal Welfare Coalition and asked if they would be designated as a sole source as stated in the Special Audit that nonprofits should be listed as sole source providers.

Interim Finance Director Tana Vega advised that the increases were included in the budget under General Fund under Professional Services, Building Structures & Land and some were specific. She advised that they were still in the process of negotiations with the AWC and regarding the sole source provider, she stated as long as they had the certification indicating that they were a nonprofit organization. She explained that the special auditor discouraged from using a sole source, if at all possible and if used, it should be put out publicly and can be used if there were no protests.

Councilor Casey had concerns regarding funding for the Fire Department salaries and a new fire truck.

Interim Finance Director Vega stated that they may be reaching out to the Legislature and advised that the Fire Department currently had a loan with the NMFA with 3 years left on principal/interest and thought it could be feasible to obtain a new loan after paying the current loan to purchase a fire truck.

Councilor Casey brought up a constituent's concern regarding dry leaves, twigs and branches and also the lack of a suppression system, she asked if there was money in the budget for those. She also mentioned the increasing gas costs for the Transit system and asked if they had enough funding for the anticipated increases for fuel.

Utilities Director Gilvarry advised that they were coordinating with the Fire Chief on a Fire Suppression system project for the Solid Waste Department and informed they were working with the New Mexico Environment Department regarding the dry greenwaste, placing firebreaks and disposing of dry waste.

Interim Finance Director Vega reported there was money for the Solid Waste costs, with the DFA quarterly report showing the ending cash balance of \$2,489,869.00 and the proposed revenues, transfers and expenditures ending balance of \$2,835,000.00 for the Solid Waste Department.

Discussion took place regarding Municipal Court Funds, Court Automation fees, and Correction funds/fees.

Councilor Casey and Councilor Howell commended the Finance Department for the work on the budget recap.

Councilor Howell had concerns regarding road repair/street improvements and pothole repairs and asked for a projection of what was budgeted to address those issues.

Interim City Manager Gallegos informed that would fall under the Street Improvement fund brought in by the gas tax, with the revenue projected at \$919,000.00 in which street personnel was also funded from. She advised there were several projects in progress, which included: Keen Street drainage project, Building and Street Improvements with a \$400,000.00 budget.

Public Works Street Superintendent Chris Rodarte reported they were currently looking at the areas of Legion Street, Mountain View and Dee Bibb and planning to look at all the roads in the City, starting with the worst conditions first. He

addressed the issue of potholes and advised that potholes were repaired on Tuesdays and Thursdays (weather permitting).

Discussion continued regarding the repair and costs that come with street repair.

Councilor Howell requested a document form of the plan to have for constituents to show the commitment of the City in repairing the streets.

Interim City Manager Gallegos advised the ICIP plan would include the street repair projects and would be brought to Council for ranking and approval in August and added that the Dee Bibb drainage project was one other major project to be addressed.

Discussion took place regarding the restart of the Recycling Center with hopes of letting the revenues meet the needs and expenditures of recycling.

Councilor Howell mentioned the concerns of the serious opioid issues in the community and asked if there was funding to support it.

Mayor Gurulé-Girón advised the City was in the early stages of a Memorandum of Understanding (MOU) with five other agencies, that would hopefully be signed within the next week or so and stated that although there were concerns about the location, she thought the Legion Park School would be a perfect location for the recovery center. She stated that she spoke with Mr. Cooper regarding asbestos and that there was no asbestos in the building and was hoping to get funding within a year's time to move forward.

Discussion took place regarding the funding for the Opioid project and the location.

Interim City Manager Gallegos advised that the City was prepared and advised they did not have the complete budget although the Police Department was applying for grant funding.

Councilor Howell stated that there were about 10 community members with concerns of the location of the recovery center.

Interim Chief of Police Chris Lopez stated that the community needed to get over the stigma related to the opioid crisis and that it was important as community leaders to educate the community. He stated that if they followed through with

the project, he hoped for the support of the Governing Body to be present with the Police Department at community meetings. Mr. Lopez advised that this addiction crisis affected many kinds of people and was important not to shy away from the problem and be open about it in order to help many in the community.

Discussion took place regarding the topic of increasing revenues for the City of Las Vegas.

Councilor Casey spoke in regards to the concerns of several constituents, relating to the location of the recovery center and stated that the San Miguel Family & Community Health Council researched, having found that in other communities similar in size of Las Vegas and larger, where those inpatient/outpatient facilities exist, the opposite effect was taking place. She stated that people became more easily integrated into society, functioned at a higher level and became productive. Councilor Casey stated that we should keep in mind, that opioid addiction affects many people on prescribed medication and that the City needed to work together to get the word out about what really was involved in this situation.

Mayor Gurulé-Girón thanked and commended Councilor Casey for her statement and added that she would be bringing back a plan along with the MOU to the Council. She stated that she fully agreed on the location for the recovery center. Mayor Gurulé-Girón stated that this project would help our youth and the community and not only provide the recovery service but also bring about 80 jobs and we should support the recovery center. She advised that any comments made by Council regarding the recovery center should be used with caution.

Councilor Ulibarri, Jr. thanked everyone involved in the drainage project of National Ave. and Keen Street and was hopeful for funding to repair all streets in the City and to move the City forward.

Interim City Manager Gallegos spoke of the importance of completing projects and starting the planning process for many other projects.

Councilor Howell clarified that his statement regarding the recovery center was not meant to be negative although wanted to bring forth the concerns of constituents.

Councilor Romero had questions regarding the 4% increase on health insurance, the deadline for negotiations with F.O.P, IAFF and AFSCME and asked if the

departments that would be working at the motorcycle rally, were budgeted for the rally. He added there had been negative comments concerning the departments working at the rally.

Interim Finance Director Vega explained that the 4% increase on health insurance would be covered by both the City and the employee.

Interim City Manager Gallegos advised there was no requirement for a full time City Manager to be a part of negotiations, that they were working with the Fire Department and needed to work on AFSCME negotiations as well. She stated there were no deadlines for negotiations although that they would become effective on the day signed. She added that they had met with members of the rally regarding the permit issues and advised the Police, Solid Waste and Public Facilities departments had been budgeted for the rally.

Councilor Romero asked Interim City Manager Gallegos for those members that had been in discussion regarding the motorcycle rally.

Police Chief Chris Lopez spoke in regards to issues of timing with the rally, pushing deadlines and the huge task of adequate security staffing. He stated that the Police Department took this event very seriously due to it not being a family event and they estimated overtime costs to be around \$13,000.00 and a projected cost for security within all the agencies combined to be between \$70,000.0 and \$100,000.00. He hoped they could work closer to the members of the rally in the future in order to be prepared.

Discussion took place regarding the difference between the events of the 4th of July Fiestas and the Rough Rider Motorcycle Rally.

Interim Community Development Director Virginia Marrujo spoke in detail regarding the comparisons between the rally and the fiestas. She mentioned they were working with the rally members, attending meetings and trying to get the rally members to submit permits and applications on a timely manner in order to prepare the City departments to provide their services and security as well.

Discussion continued regarding how the City assessed a cost for this year's bike rally, the importance of working together, supporting the motorcycle rally and also the importance of the rally members meeting the City's requirements.

Lieutenant Pam Sandoval advised that an additional thirty six people from several agencies from surrounding areas were on board for security, that were part of Mutual Aid Agreements with the Las Vegas Police Department.

Councilor Casey made a motion to approve Resolution 18-32 to adopt the final FY 2018-2019 Budget for submission to DFA Local Government Division. Councilor Howell seconded the motion.

Resolution 18-32 was presented as follows:

**STATE OF NEW MEXICO  
MUNICIPALITY OF CITY OF LAS VEGAS  
RESOLUTION NO. 18-32  
2018-2019 FINAL BUDGET ADOPTION**

**WHEREAS**, the Governing Body in and for the Municipality of the City of Las Vegas, State of New Mexico has developed a Final Budget for fiscal year 2018-2019 , and

**WHEREAS**, said budget was developed on the basis of need and through cooperation with all department users, department supervisors, City Administration and elected officials, and

**WHEREAS**, the official meeting for the review of said documents was posted publicly on July 23, 2018 in compliance with the State Open Meetings Act, and

**WHEREAS**, it is the majority opinion of this governing body that the Final Budget meets the requirements as currently determined for fiscal year 2018-2019.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby adopts the budget hereinabove described and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

**RESOLVED:** In session this 26th day of July , 2018.

MUNICIPAL GOVERNING BODY  
LAS VEGAS, NEW MEXICO

TONITA GURULE-GIRON, MAYOR

ATTEST:

\_\_\_\_\_  
CASANDRA FRESQUEZ, CITY CLERK

(SEAL)

APPROVED FOR LEGAL SUFFICIENCY:

\_\_\_\_\_  
DANIELLE SMITH, INTERIM, CITY ATTORNEY

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

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

Mayor Gurulé-Girón thanked Interim Finance Director Tana Vega, Ann Marie Gallegos and the finance department staff for their work on the budget and thanked the Council for their approval of the budget.

### **EXECUTIVE SESSION**

There was no need for Executive Session.

### **ADJOURN**

Councilor Casey made a motion to adjourn.

Mayor Gurulé-Girón adopted the motion to adjourn.

\_\_\_\_\_  
Mayor Tonita-Gurulé-Girón

ATTEST:

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

**MINUTES OF THE CITY OF LAS VEGAS ORGANIZATIONAL CITY COUNCIL MEETING  
HELD ON TUESDAY, JULY 31, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** Barbara A. Casey  
David G. Romero  
Vincent Howell  
David A. Ulibarri, Jr.

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
David Silva, Acting City Attorney  
Chris Lopez, Sergeant at Arms

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Ulibarri, Jr. asked for a moment of silence for everyone involved in our City which included the City employees, Council, Mayor and the schools.

**APPROVAL OF AGENDA**

Councilor Romero stated to Mayor Gurulé-Girón that she had named this meeting an “Organizational” meeting although it did not meet the Charter’s requirements as an Organizational meeting as stated in Section 2.07, the Governing Body Rules and Procedure. He advised that the agenda did not include to review the Mission & Vision Statement, no Mayor Pro Tem, City Clerk position and stated that he felt it was important to address all interim positions that had been placed by the City Manager.

Councilor Romero advised that he was concerned and asked his fellow colleagues, that as an organizational meeting these items should be discussed and addressed and asked if they continued with the meeting, would this meeting constitute the organizational meeting and not be able to address those other matters and informed that that was a concern to him.

Mayor Gurulé-Girón stated that actually not and advised that the Mission & Vision statement had already been discussed and accomplished in clear detail during scheduled Work Sessions. She advised that initially she had called the Organizational meeting to include all four positions, that also disclosed during those Work Sessions was the deferment of the City Manager and City Clerk to another meeting. She added that it was fairly consistent to what was occurring at the state level and that she had checked with the Municipal League.

Councilor Romero mentioned that it was discussed at the Work Session although it was not agreed upon.

Mayor Gurulé-Girón advised that it was agreed upon, that was why it came back to the Work Session and that they were still finalizing.

Councilor Romero advised he was yielding the floor to Councilor Casey.

Councilor Casey advised that a constituent expressed that the agenda might possibly not meet the specificity requirements of the Open Meetings Act, in that the names of the persons to be appointed were not included in the action items of the agenda. She stated that she contacted Mr. Dellman with the Attorney General's Office, OMA Regulations in order to find out how to settle the issue and that Mr. Dellman advised that while it did not meet the specific requirements, the Council needed to agree not to do this again, to include names in future appointments, having Council recognize that names were not included and would be on record in the case that someone were to challenge it.

Mayor Gurulé-Girón advised that she had the original agenda she had prepared and had given it to Interim City Manager Gallegos and added that it did have the names of the Police Chief and the City Attorney. She stated, "why they were not included, is beyond my comprehension" and asked Interim City Manager Gallegos if she knew what happened.

Interim City Manager Gallegos advised that she did not know what happened although they could include them and proceed with the agenda.

Mayor Gurulé-Girón assured that she had included the names and in regards to the resumes, she was unsure of releasing them to Council until she clarified with an attorney. She stated the City's attorney was unavailable at the time and recommended to Council to make an amendment to include the names before adopting.

Councilor Casey made a motion to amend the agenda to include the names to the City Attorney, Esther Montoya and Police Chief, Jerry Delgado. Councilor Ulibarri, Jr. seconded the motion.

Councilor Howell made a motion to go into Executive after Public Input to discuss personnel matters, as permitted by Section 10-15-1 (H)(2) of the New Mexico Open Meetings Act, NMSA 1978, to discuss the contracts and the candidates.

Mayor Gurulé-Girón stated that they would not go into Executive Session for the reason of the appointees not being employees of the City.

Councilor Howell asked if it would be discussed during the meeting.

Mayor Gurulé-Girón advised that it would be discussed during the meeting.

Mayor Gurulé-Girón advised that there was a first and a second motion and asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	No
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

### **PUBLIC INPUT**

Robert Gutierrez spoke in support of Chief of Police appointee Jerry Delgado and described him as a good and loyal friend, devoted husband and grandfather. He spoke highly of his strong character, how Mr. Delgado's goals were to change the Police Department for the better and his plans to make a positive difference in the City of Las Vegas. He stated that Mr. Delgado started his career with the Las Vegas

Police Department, that his roots were here in town and had genuine care for this town and asked for the approval of the appointment of Jerry Delgado as Chief of Police.

Lalo Sanchez spoke of his disappointment with the City of Las Vegas regarding issues of water in his household.

## **BUSINESS ITEMS**

### **1. Confirmation to appoint City Attorney, Esther Garduno Montoya.**

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.04. City Attorney, C. The Mayor shall appoint the city attorney subject to Council approval. D. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Mayor Gurulé-Girón introduced City Attorney appointee, Esther Garduno Montoya and recognized Kim Delgado, Roy Montibon and herself as the interview committee for City Attorney and asked Council to direct questions to her.

Councilor Howell commended Ms. Montoya on her many accolades and was impressed of the comments received as the City Attorney years ago. He stated that his concern was about the contract that was developed, that Council had not had any discussion about the contract prior to it being developed and not having names included. He added that discussion should involve Council regarding specifically about compensation, the termination clause and he did not agree with the contract.

Mayor Gurulé-Girón advised that if he was not pleased with the contract, that this was a good time to discuss it, and stated that in the past when they had a contract negotiation, they would openly discuss it in an open meeting and any concerns the Council had with the contract were on the record, and added that this process had been used before, for many years and any concerns were on the record. She stated that she spoke with Attorney Danelle Smith who prepared the contract and added that the employee understood that the terms and conditions could change. Mayor Gurulé-Girón advised that there was nothing binding in the contract until the Council made the determination to approve the appointment

and the contract and she strongly advised Council that their comments be on record.

Councilor Howell asked why a salary of \$100,000.00.

Mayor Gurulé-Girón explained that every City Attorney had been paid \$100,000.00 and that she was not discrediting any past attorneys although they did not have the Municipal experience that Ms. Garduno had which was twice the experience and expertise.

Councilor Howell advised that the Council had not agreed to the compensation of \$100,000.00 and had not had discussion regarding the compensation.

Mayor Gurule-Girón advised that she believed the terms and conditions of the contract were administrative although the appointment was up to the Council.

Discussion took place regarding the process of the Council's responsibility in the negotiating of compensation of the contract and how it would affect the budget.

Councilor Casey asked a question regarding item 1, the term, stating that "the contract would begin at the time the Council approves it and continue in effect until the day after the next city election in March". She advised that the next election was in 2020 and that she could not support that, that a contract should be fiscal year to fiscal year not from election to election.

Mayor Gurule Giron stated that she was looking at year to year regarding the length of the contract which would be August to August due to not having an election.

Councilor Casey had a concern and felt uncomfortable because of past history when this Council wanted to discuss the removal of one of the Mayor's appointees. She advised that the Mayor assured them at that time they voted for that person, that she would listen to their concerns and remove that person, if that was the wish of the Council and she did not do it. Councilor Casey stated that in her view that was not taken care of as the Mayor stated and in her opinion, he was not doing his job adequately, especially in terms of dealing with employees. She advised that she did not agree with the language on the contract under the Termination Clause 8B, which stated the contract would end automatically after the City election.

Mayor Gurule-Girón advised that the statement was consistent with what they did with the prior contract.

Councilor Casey advised yes and that she did not agree with that and suggested that they go with the date of hire for one year and in the future, to do their best to hire at the beginning of the fiscal year.

Mayor requested emails of any concerns from the Council regarding the contract and clarified that the contract would be for 12 months.

Councilor Casey had a concern regarding item 2C, *“city council members seek to obtain council as to a specific matter or a legal opinion as to matters of city business, which will have the approval of the governing body through consensus at a regular/special meeting of the council in order for the city attorney to undertake the requested work”*. She stated that that language was a compromise that they made last year through the other attorney, and had a problem with that. Councilor Casey advised that the City Attorney should be available to the Council for urgent issues if other legal assistance was not available.

Mayor Gurulé-Girón advised that they did not want to tie up the City Attorney with legal opinions from Council, that the City pays the Municipal League for the legal service for the Council. She stated that if the Council felt that the Municipal League was not meeting their needs, that the City did not have to continue with them.

Councilor Romero asked why the language just used regarding the Council participation with the Attorney, could not be included in the contract.

Mayor Gurulé-Girón advised, because it had already been passed as a resolution.

Councilor Casey asked if they could present a new resolution.

Mayor Gurulé-Girón stated yes, although it would have to go through a consensus and stated that the contract was open for negotiations, the only thing needed today was the appointment and stated she would look at the Councilor’s opinions and concerns and forward those to the City Attorney and sit down with the attorney before finalizing the contract. She advised they could do a consensus via email and the attorney would also forward the contract to them.

Councilor Romero addressed Ms. Montoya and Mr. Delgado, stating that on his behalf he felt that the process was not transparent, receiving information at the last minute, not being notified until 5pm on Friday, receiving resumes via email and decisions being made with no collaboration with the Council. He stated that the Council was voted by their constituents to represent them with transparency and integrity and added that their constituents expected them to due diligence and carefully review all that they vote on . Councilor Romero advised that he did have the opportunity to meet Mr. delgado although had questions that might be of legal matter and agreed with Councilor Howell in having discussion in Executive Session.

Mayor Gurulé-Girón stated that they could not discuss a personnel matter in executive session, that's consistent with policy.

Councilor Romero stated the he was a chairman for four years at West Las Vegas, and he knew exactly what could and could not be discussed in executive session and that he had hired superintendents and that the whole interview process was done in executive session consistent within the law.

Mayor Gurulé-Girón stated that they were not employees of the City of Las Vegas and was not a personnel matter, and that he was incorrect.

Councilor Casey stated that they had gone into Executive Session before with other people who were going to be appointed and were not employees of the City yet, and asked, why now?

Mayor Gurulé-Girón stated that it was because she allowed it, although now the Council had held her to every single rule, so therefore they would operate by every single rule and that in the past she had been very cooperative with the Council. She advised that they were not employees of the City, it did not fall into personnel and she had already checked on it.

Councilor Romero advised that he had reviewed the Open Meetings Act. He mentioned that he did not know what attorney gave her the information and stated to the Mayor, since she was being so transparent, he asked what attorney had given her that information.

Mayor Gurulé-Girón stated that the City's regular attorney Danelle Smith, gave her that information.

Councilor Romero advised that he wished that she was present so that they could ask her that question.

Mayor Gurulé-Girón stated that she was handling another situation, a personal matter.

Councilor Romero advised that he was curious, and added there was no disrespect to Acting City Attorney David Silva, that the City had him on board although did not use him and stated that he was confused as to why they use Danelle Smith.

Mayor Gurulé-Girón advised that she had a history with the City of Las Vegas for over 20 years.

Councilor Romero apologized to Ms. Montoya and Mr. Delgado for taking up their time and believed he was not given due diligence to review background information. He stated that in his opinion, he had seen the process of hiring without background checks and did not know if backgrounds had been done although that that was very important to him, before voting on the item. Councilor Romero apologized once again and stated that he meant no disrespect, that he did not know what was going to happen, maybe the Mayor would be more open and give the Council the information and put them on the agenda again to appoint. He asked that they not take it personally as he was not given the information within enough time.

Councilor Casey advised that they received the agenda and copy of contracts Friday but did not get the resumes until yesterday, which was not within a 72 hour period.

Mayor Gurulé-Girón advised that the agenda stated a final agenda with other added items requires a 24 hour notice and that she was also unaware of the release of the resumes .

Disagreement took place regarding if the resumes fell under an agenda item.

Councilor Casey stated that there was legal precedent that had been set in another state where not only resumes of appointees but also all the resumes and

applications of the individuals that had applied for the positions, had been released.

Discussion took place regarding that resumes were releasable when requested.

Councilor Casey requested that the applications and resumes of all the applicants be released to her.

Councilor Romero stated that he found it odd that the Mayor questioned the attorney to release the resumes to the Councilors although that there was no question in giving resumes to the committee that interviewed, when they were the elected body.

Mayor Gurulé-Girón advised that they were part of the interviewing committee and was consistent with the Charter. She advised that Councilor Romero was incorrect regarding them not receiving the resumes with enough time and that all that was required was 72 hours and 24 hours for any added information and that it was met. Mayor Gurulé-Girón advised that two resumes could have been reviewed in about 1 to 2 hours.

Councilor Howell was concerned with termination clause, and stated that the person hired would be at the will of the Governing Body, therefore it would be their responsibility to have a comprehensive discussion regarding the hiring. He stated that he did not feel this was a comprehensive discussion and that was the reason of going into Executive Session, to discuss resumes, contract information, backgrounds and expertise of the applicants. Councilor Howell advised the Governing Body needed to have consensus to approve the Mayor' appointees and was important for them to be involved.

Mayor Gurulé-Girón stated that that was why they were having an open meeting today, that they would not hide anything from the public. She advised that they asked for transparency and she was giving them 100% transparency and asked if there were any questions for Ms. Montoya or the committee.

Councilor Howell advised that the process they were using was very concerning to the Council, and as he had mentioned at the last meeting, they needed to be involved in discussion regarding the appointees and the contracts.

Mayor Gurule-Girón advised that the Mayor appoints and sets up a committee and the process was consistent with the charter.

Discussion took place regarding the issue of transparency.

Mayor Gurule-Girón stated that in the past, with a different Mayor, that this was never the process, that he never allowed the Council to openly ask any questions. She added that they either discussed the terms and conditions of the contract, that they either approved his recommendations or they did not and added that she was doing all that she could do to work with this Council and was giving them the opportunity to ask questions.

Councilor Casey advised that she was speaking for herself and understood what Councilor Howell was trying to say and stated that the transparency for the Council had not happened until tonight. She advised that the Mayor kept mentioning the Charter and was sorry to say that she interpreted the Charter however she wanted and informed that she had never seen policy, that all the policies were different from the City Charter, Ordinances to the Governing Rules/Procedures and that nothing matched. Councilor Casey stated that it was whatever the Mayor picked and chose at the time and that it had created a huge problem. She added that it was difficult for the Council to be expected to come in and vote yes to appoint people that they did not know. Councilor Casey stated she had received calls regarding the appointees and did not want to discuss everything in open session with chances of embarrassing anyone, speaking out of turn with the chance of being sued. She stated that in reality this was not being transparent and felt it was not fair to the appointees or the Council and should be discussed in Executive Session.

Mayor Gurule-Girón advised that as discussed before, the Mayor will appoint and the Council will confirm, and could only go into Executive Session in a personnel matter, if that individual was an employee of the City and they were not employees and therefore was an open discussion. She stated that she would stand her ground on this and asked if there were any questions for the candidates or the committee.

Councilor Casey stated that she had a lot of respect for all the committee members who served on the committee, were very involved in the community, wonderful citizens and she had no doubt on their recommendations made in good

faith although could not vote yes on either one until she saw a contract that was written correctly.

Mayor Gurulé-Girón stated that they were not discussing the contract, that they were discussing the appointment.

Councilor Casey advised that she would not vote on the appointment until the contract was correct, in front of her and that she was assured of the language that was in the contract.

Mayor Gurulé-Girón advised that if the Council realized that if the appointment was not confirmed today then she could not bring the same appointment back to the Council.

Councilor Casey asked why she would not be able to bring it back to Council.

Mayor Gurulé-Girón advised that it was stated in the Charter.

Councilor Howell questioned that specific statement being in the Charter.

Mayor Gurulé-Girón stated yes, that she read it and that she was concerned about that.

Councilor Romero made a motion for a 5 minute recess so that the Mayor would have the opportunity to show exactly where it was stated in the Charter.

Mayor Gurulé-Girón stated that she did not know where it was and that the Councilors could look for it or talk to the attorney.

Councilor Romero made a motion for a 5 minute recess in order to clarify that. Councilor Casey seconded the motion.

Mayor advised that they did not need a motion and just to go ahead and recess for 5 minutes.

A 5 minute recess was taken.

Councilor Romero made a motion to reconvene into regular session.

Mayor stated they were reconvened into regular session and asked if anything had been found.

Interim City Manager Gallegos advised that nothing was found in the Charter.

Acting City Attorney David Silva stated that he found no restrictions on resubmitting a name or person for appointment.

Mayor Gurulé-Girón advised that she knew she had read it and did have the information at home although there was no time to go look for it and that it stated that if the appointment was not accepted, it would have to be brought back with a new appointment, she advised that she had to find that policy to be absolutely certain. She added that after speaking with the Clerk, informed that the Council did not have the authority to negotiate the contract, which was an administrative function.

City Clerk Fresquez clarified that it was the City Manager along with the City Attorney that handled that administrative function.

Mayor Gurulé-Girón advised that the Council's duty was to confirm the appointment and was still willing to work with the Council, to ensure City Attorney and the City Manager look at the contract and stated that the City Attorney reviewed the contract and asked what the pleasure of the board was.

Councilor Ulibarri, Jr. made a motion to appoint Esther Garduno Montoya as City Attorney.

Mayor Gurulé-Girón asked for a second, there was no second motion.

Mayor Gurulé-Girón advised that the motion died.

Mayor Gurulé-Girón thanked the committee members for their due diligence and interviewing this exceptionally, qualified person and thanked Esther Garduno and apologized wholeheartedly to her for not being confirmed and added that this was a huge disservice to the City.

Councilor romero asked for the floor.

Mayor Gurulé-Giró stated to Councilor Romero that there was nothing to discuss and called up Mr. Delgado, Ms. Ortega and Mr. Crow and opened the floor for questions.

## 2. Confirmation to appoint Police Chief, Jerry Delgado.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officer, Directors and Employees, Section 5.06, The Mayor shall appoint the Chief of Police, subject to Council approval. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Romero stated that he wished she was more open and willing to work with the Council in giving them more time and could not believe she let, which he believed a good person go.

Mayor Gurulé-Girón stated she did not let her go, that they did.

Council Romero advised that she was not open to them and needed more time to review.

Mayor Gurulé-Girón advised Councilor Romero she had given 72 hours to review, a 24 hour agenda, that there was no excuse for his disservice to his community, no excuse for not showing up to meetings, no excuse for his behavior anymore and that it was dereliction of duty on his part. She stated that if he felt that he could not serve this community, why didn't he just step down and let somebody else take over, somebody else that cared about the community. Mayor Gurulé-Girón stated that she was tired of his constant complaining in open public meetings about the Mayor. She advised that she had served on the Council for 10 years, that she never complained to the Mayor, she came prepared and did her job. She continued to say that she showed up to meetings, that she missed one meeting in 10 years and never undermine the efforts of the City, the employees or this administration. Mayor Gurulé-Girón stated that that was all Councilor Romero did so far and told him not to complain anymore about the Mayor and that it was his duty to either confirm or not confirm.

Councilor Romero advised the Mayor that he had never worked for a dictatorship.

Mayor Gurulé-Girón stated that it was not a dictatorship, it was a duty and that she had authority as he did as a legislative and executive branch and advised Councilor Romero to read the Charter and familiarize himself with it.

Councilor Casey stated that if she had allowed Councilor Romero or any one of the Council to say something after you asked Ms. Montoya to leave, they could have done something else.

Mayor Gurulé-Girón asked Councilor Casey, if you do not confirm, what else are you going to do, it is your duty.

Councilor Casey advised that she would not confirm that contract until she could see that the contract had been corrected with what the Council wanted in it, asking that Council reviews the final contract before they would take a vote on the confirmation.

Mayor Gurulé-Girón stated that she assured her in an open public meeting, that the contract would go through the Council before she signed it and that her duty was to confirm.

Councilor Casey stated “she did not want to say this publicly but was going to, because she insisted in being so transparent, there is no trust, if I trusted you to do what you say and what your going to do, I would happily have voted but I don’t trust that it will be done in a certain amount of time, I don’t trust that will see it before you sign it and I won't vote to confirm until I have that contract before me and see what it says, what it is supposed to say”.

Mayor Gurulé-Girón advised that if anyone should have a question of trust that it was her, and stated that all three Councilors had censured and lied about her publicly.

Councilor Romero advised the Mayor that he had never censured her.

Mayor Gurulé-Guruléó apologized to Councilor Romero stating he did not censure her.

Councilor Romero apologized to Mr. Delgado and spoke with him about how he was disgusted with the process and not to say that he was not deserving although

it was the process that he was voting against and wished he could have apologized to Ms. Montoya.

Mayor Gurule-Girón stated that the process had been followed and stated to Councilor Romero that there was no need to apologize for his failure to make a decision. She advised that the past Mayor never did this, he just selected whoever he wanted. She thanked Mr. Crow and Ms. Ortega for their hard work on the interview and apologized to Mr. Delgado, if he was not confirmed.

Mayor Gurulé-Girón stated for record “don’t be complaining about organizational meetings, appointments or confirmations, when you cant even do your duty”

Councilor Ulibarri, Jr. stated he did receive both resumes on Monday and it did not take long to read it and see the qualifications which were awesome and added that his vote was to appoint Mr. Delgado for Police Chief.

Mayor Gurulé-Girón asked Ulibarri, Jr., if that was a motion.

Ulibarri, Jr. confirmed it was a motion . Mayor Gurulé-Girónasked if there was a second motion.

Councilor Romero made a second motion for roll call to be taken.

Roll call vote was taken and reflected the following:

Barbara A. Casey	No	Vincent Howell	No
David G. Romero	No	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion did not carry.

Mayor Gurulé-Girón thanked Mr. Delgado, Ms. Ortega and Mr. Crow for their due diligence to the community and asked them to please look at their Council members very carefully in the future.

3. Approval/Disapproval to reemploy all classified City employees.

Councilor Casey made a motion to reemploy all classified City employees.

Councilor Romero asked Mayor to explain what she meant by “ all classified” employees.

Mayor Gurulé-Girón stated that under state statute, all city employees must be reemployed after every election.

Councilor Romero asked a question in regards to Interim Directors as well.

Interim City Manager Gallegos stated that they continue as Interim Directors unless they had been appointed other wise.

Councilor Ulibarri, Jr. seconded the motion.

Mayor Gurulé-Girón advised that there was a first and a second motion and asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

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

**ADJOURN**

Councilor Ulibarri, Jr. made a motion to adjourn.

Mayor Gurulé-Girón stated she adopted the motion to adjourn.

---

Mayor Tonita Gurulé-Girón

ATTEST:

---

Casandra Fresquez, City Clerk

**GENERAL FUND REVENUE COMPARISON  
THRU JULY 31, 2019 8.33% OF YEAR LAPSED (1 of 12 months)  
FISCAL YEAR 2019**

Total Budget to Actual Comparison

	A	B	C	D	E	G (E/B) FY 2019 % REV
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	
PROPERTY TAX	1,291,000	1,485,000	123,750	1,308,831	19,504	1%
GROSS RECEIPT TAX 1.225	3,550,000	3,550,000	295,833	3,368,145	353,106	10%
FRANCHISE TAX	775,000	750,000	62,500	658,781	73,651	10%
GROSS RECEIPT TAX .75	2,440,000	2,332,500	194,375	2,212,663	231,889	10%
1/8 INFRASTRUCTURE	360,000	372,000	31,000	385,877	36,771	10%
GRT .25 (JAN 2011)	725,000	1,060,000	88,333	1,088,596	99,686	9%
GRT -HOLD HARMILESS (JULY 2015)	(110,400)	-	0	(110,400)	-	
LICENSE & FEES	61,000	83,500	6,958	101,337	7,899	9%
INTERGOVERNMENTAL	83,716	77,144	6,429	87,036	6,956	9%
LOCAL-FINES	77,000	66,500	5,542	58,462	4,655	7%
LOCAL-MISC	1,737,235	1,648,800	137,400	2,598,659	135,461	8%
TOTAL	10,989,551	11,425,444	952,120	11,757,986	971,578	9%

(License& Fees-Business Licenses, Liquor Licenses and Building Permits,Development Fees)  
(Local Fines- Court Fines, Library Fines, Traffic Safety Fines)

**GENERAL FUND EXPENDITURE COMPARISON  
THRU JULY 31, 2019 8.33% OF YEAR LAPSED (1 of 12 months)  
FISCAL YEAR 2019**

Total Budget to Actual Comparison

	A	B	C	D	E	F	H (E/B) %
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	FY 2019 AVAIL. BAL.	BDGT
JUDICIAL	307,959	294,648	24,554	282,448	20,267	274,381	0%
GOVERNING BODY		73,038	6,087		4,899	68,139	7%
MAYOR		60,736			1,374	59,362	2%
MANAGER		261,412			18,931	242,481	7%
EXECUTIVE	397,969			354,880		0	0%
MUNICIPAL CLERK	272,858	222,499	18,542	246,384	18,203	204,296	8%
CITY ATTORNEY	231,944	229,704	19,142	151,848	4,728	224,976	2%
PERSONNEL/HR	278,960	245,259	20,438	257,124	12,835	232,424	5%
FINANCE	452,393	467,223	38,935	423,633	30,911	436,312	7%
COMMUNITY DEV.	533,845	528,706	44,059	377,361	25,115	503,591	5%
POLICE	3,854,744	4,006,680	333,890	3,599,849	340,409	3,666,271	8%
CODE ENFORCEMENT	136,113	150,334	12,528	99,486	7,194	143,140	5%
ANIMAL SHELTER	135,490	135,490	11,291	134,551	9,848	125,642	7%
FIRE	1,257,365	1,357,467	113,122	1,160,823	110,334	1,247,133	8%
PUBLIC WORKS/AIRPORT	474,004	450,832	37,569	346,588	38,410	412,422	9%
PARKS	286,222	290,709	24,226	250,737	11,677	279,032	4%
AIRPORT	0	0	0	0	0	0	0%
LIBRARY	205,217	200,046	16,671	156,119	13,124	186,922	7%
MUSEUM	150,845	148,116	12,343	128,806	8,735	139,381	6%
GENERAL SERVICES	2,358,248	3,161,410	263,451	1,868,073	84,629	3,076,781	3%
SALARY CONTINGENCY	0	0	0	0	0	0	0%
TRANSFERS	719,667	739,667	61,639	719,667	61,625	678,042	8%
TOTAL	12,053,843	13,023,976	1,058,486	10,558,377	823,247	12,200,729	6%

**ENTERPRISE FUNDS-REVENUE COMPARISON  
THRU JULY, - 8.33% YEAR LAPSED (1 of 12 months)  
FISCAL YEAR 2019**

<u>Total Budget to Actual Comparison</u>						
A	B	C	D	E	G	H
	FY 2019	FY 2019	FY 2018	FY 2019	(E/B)	(E/B)
	BUDGET	YTD - BUDGET	YTD - ACTUAL	YTD - ACTUAL	%	%
					BUDGET	BUDGET
WASTE WATER (610)	2,866,100	494,350	3,002,811	440,676	15%	2%
NATURAL GAS (620)	5,236,000	839,333	5,063,106	291,090	6%	2%
SOLID WASTE (630)	3,419,400	569,900	3,476,583	490,663	14%	3%
WATER (640)	4,800,150	856,492	5,033,739	306,518	6%	5%
<b>Total of Enterprise Funds</b>	<b>16,321,650</b>	<b>2,760,075</b>	<b>16,576,239</b>	<b>1,528,946</b>	<b>9%</b>	<b>3%</b>

**ENTERPRISE FUNDS-EXPENDITURES COMPARISON  
THRU JULY, - 8.33% YEAR LAPSED (1 of 12 months)  
FISCAL YEAR 2019**

<u>Total Budget to Actual Comparison</u>						
A	B	C	D	E	F	H
	FY 2019	FY 2019	FY 2018	FY 2019	FY 2019	(E/B)
	BUDGET	YTD - BUDGET	YTD - ACTUAL	YTD - ACTUAL	YTD - ACTUAL	%
					AVAIL. BAL.	BUDGET
WASTE WATER(610)	3,297,778	321,080	3,060,957	61,482	3,791,476	2%
NATURAL GAS (620)	5,938,908	418,086	4,665,772	88,565	4,928,468	2%
SOLID WASTE (630)	3,733,787	310,800	3,360,821	113,452	3,616,145	3%
WATER (640)	5,681,820	228,620	5,179,901	124,374	2,619,062	5%
<b>Total of Enterprise Funds</b>	<b>18,652,293</b>	<b>1,278,585</b>	<b>16,267,451</b>	<b>387,873</b>	<b>14,955,151</b>	<b>3%</b>

**RECREATION DEPARTMENT-REVENUE COMPARISON  
THRU JULY 31, 2018 - 8.33% OF YEAR LAPSED 1 OF 12 MONTHS  
FISCAL YEAR 2019**

	A	B	C	D	E	G (E/B) % REV
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2019 YTD - ACTUAL	
RECREATION-TAXES (Cig)	0	0	0	0	0	0%
WELLNESS CENTER	115,000	115,000	9,583	10,014	104,986	9%
OPEN SWIM	20,000	20,000	1,667	2,191	17,809	11%
YAFL	0	0	0	0	0	0%
YABL	20,000	16,500	1,375	180	16,320	1%
SUMMER FUN PROGRAM	20,000	26,000	2,167	1,056	24,944	4%
RECREATION-OTHER	108,964	85,000	7,083	1,252	83,748	1%
GEN FUND TRANSFER	400,000	400,000	33,333	33,333	366,667	8%
TOTAL	683,964	683,964	55,208	48,026	614,474	7%

**RECREATION DEPARTMENT- EXPENDITURE COMPARISON  
THRU JULY 31, 2018 - 8.3% OF YEAR LAPSED 1 OF 12 MONTHS  
FISCAL YEAR 2018**

	A	B	C	D	E	F	H (E/B) % BDGT
	FY 2018 BUDGET	FY 2019 BUDGET	FY 2019 YTD - BUDGET	FY 2018 YTD - ACTUAL	FY 2019 YTD - ACTUAL	FY 2019 AVAIL. BAL.	
EMPLOYEE EXP.	533,351	633,166	52,764	507,464	47,580	585,586	8%
YAFL	0	0	0	0	0	0	0%
YABL	4,050	8,500	708	2,835	480	8,020	6%
OTHER OPERATING EXP.	138,562	95,350	7,946	72,526	7,152	88,198	8%
CAPITAL OUTLAY	8,000	9,500	792	7,845	2,984	6,516	31%
TOTAL	683,963	746,516	62,210	590,670	58,196	688,320	8%

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE 7/30/18**

**DEPT: POLICE**

**MEETING DATE: 8/15/2018**

**ITEM/TOPIC:** Out of State Travel for one(1) police personnel

**ACTION REQUESTED OF COUNCIL:** *Approval/Disapproval for out of state travel for one(1) police personnel to attend Drug Recognition Expert Class Phase II.*

**BACKGROUND/RATIONALE:** (Provided with work session packet)

**STAFF RECOMMENDATION:** The Las Vegas Police Department is requesting approval for out of state travel for one(1) police personnel to attend Drug Recognition Expert Class Phase II. To detect & prosecute Driving Under the Influence (DUI) offenders utilizing drugs other than alcohol.

**COMMITTEE RECOMMENDATION:** none

**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.**

  
\_\_\_\_\_  
**CHRISTOPHER LOPEZ**  
**INTERIM CHIEF OF POLICE**

**REVIEWED AND APPROVED BY:**

  
\_\_\_\_\_  
**TONITA GURULE-GIRON**  
**MAYOR**

\_\_\_\_\_  
**TANA VEGA, INTERIM**  
**FINANCE DIRECTOR**  
**(PROCUREMENT)**

  
\_\_\_\_\_  
**ANN MARIE GALLEGOS,**  
**INTERIM CITY MANAGER**

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

\_\_\_\_\_  
**CITY ATTORNEY**  
**(ALL CONTRACTS MUST BE**  
**REVIEWED)**



Interim Chief Christopher Lopez

MEMORANDUM

TO: Christopher Lopez  
Interim Chief of Police

FROM: *Darin Romero*  
Police Officer Darin Romero

THRU: \_\_\_\_\_  
Deputy Chief Ken Jenkins

*Pam Sandoval*  
Commander Pam Sandoval

\_\_\_\_\_  
Commander Eric Padilla

*Monica Vigil*  
Lieutenant Monica Vigil

*David Trujillo* 303  
Sergeant David Trujillo

COPY

DATE: July 19, 2018

RE: Request for Training: Drug Recognition Expert Class – Phase 2

This memo is a request to attend the New Mexico Drug Recognition Expert Program Field Certification on August 23<sup>rd</sup> – 27<sup>th</sup> hosted by California Highway Patrol in Sacramento, CA. This training is the 2<sup>nd</sup> phase of the DRE Program and is required to become a certified DRE. This training is free to the Las Vegas Police Department. All per diem and travel expenses are paid by the NMDRE program and will not be incurred by the Las Vegas Police Department.

Attached you will find the flyer and the registration form for this training.

Should you have any questions, please do not hesitate to contact me. Thank you for your consideration in this matter.

XC: File





# City of Las Vegas

318 Moreno Street • Las Vegas New Mexico 87701 • Ph# (505) 425-7504 • Fax # (505) 425-6346



## Interim Chief of Police

### Review by:

\_\_\_\_\_  
Marla Martinez, Finance Specialist

\_\_\_\_\_  
Date

\_\_\_\_\_  
Beatrice Salazar, Grants Administrator

\_\_\_\_\_  
Date

**Approved/Disapproved**

\_\_\_\_\_  
Christopher Lopez  
Interim Chief of Police

\_\_\_\_\_  
Date

XC: Training File  
File

COPY

---

## Fwd: Field Certifications Trip #1

1 message

---

Darin Romero <darinr@lasvegasnm.gov>  
To: amcadams@lasvegasnm.gov

Mon, Jul 2, 2018 at 8:51 AM

Officer Darin Romero  
Las Vegas Police Department  
(505)250-0283

Begin forwarded message:

**From:** Charles Files <cfiles@nmdre.org>  
**Date:** June 28, 2018 at 18:35:06 MDT  
**To:** "fduran@cabq.gov" <fduran@cabq.gov>, "darinr@lasvegasnm.gov" <darinr@lasvegasnm.gov>, "rtorres@loslunasnm.gov" <rtorres@loslunasnm.gov>, "ahayes@rrnm.gov" <ahayes@rrnm.gov>, "nolen.snyder@state.nm.us" <nolen.snyder@state.nm.us>, "calvin.lucero@co.valencia.nm.us" <calvin.lucero@co.valencia.nm.us>, "lopez@silvercitymail.com" <llopez@silvercitymail.com>, "kelliott@rrnm.gov" <kelliott@rrnm.gov>  
**Cc:** "rgray@loslunasnm.gov" <rgray@loslunasnm.gov>, "pnbryant@cityofcarlsbadnm.com" <pnbryant@cityofcarlsbadnm.com>, "jholt@rrnm.gov" <jholt@rrnm.gov>  
**Subject:** Field Certifications Trip #1

NM DRE Candidates,

Congratulations on completing phases 1 and 2 of the DRE Training Program. Your preparation and dedication was evident as you progressed through a very difficult curriculum in a very short amount of time. As you know, the third and final phase of training will be the Field Certifications which will be held in Sacramento, California **August 23<sup>rd</sup>-August 27<sup>th</sup>, 2018**.

Please refer to the information contained in this email for all of the logistics surrounding your upcoming training.

### Flight

You'll be receiving a email from me this evening with your flight itinerary (forwarded confirmation from Southwest Airlines). This will contain your confirmation number.

You will be departing out of Albuquerque on August 23<sup>rd</sup> on Southwest Airlines Flight #2100 at 7:10AM

\*Please ensure you give yourself ample time to get checked in, if you miss this flight, you may not be able to complete the training.

For those students who are traveling to Albuquerque to make this flight, if you need hotel accommodations for the night prior (August 22<sup>nd</sup>), please let me know via email by July 26<sup>th</sup>

### Hotel

You will need to reserve your room online. We will be staying at the Hampton Inn and Suites in West Sacramento. We have a group rate reserved of \$119/night. You can access this by clicking this link:

[https://hamptoninn.hilton.com/en/hp/groups/personalized/S/SMFWEHX-DR2-20180823/index.jhtml?WT.mc\\_id=POG](https://hamptoninn.hilton.com/en/hp/groups/personalized/S/SMFWEHX-DR2-20180823/index.jhtml?WT.mc_id=POG)

**\*\*THIS IS IMPORTANT\*\*** When you click the link, it will bring up the dates of August 23<sup>rd</sup>-August 26<sup>th</sup>, you'll need to **change the check out date to August 27<sup>th</sup>**. The total cost should be \$534.07. You will not be charged until we check out. You will need to book this using your own credit card, however, you will be reimbursed for your room as well as per diem for meals and incidentals shortly after the trip.

Please book your room by July 26<sup>th</sup>

### **CV**

Please email me your curriculum vitae no later than July 26<sup>th</sup>.

### **Dress Code**

No shorts or open toe shoes. Polo and slacks or tactical pants is recommended.

### **CHP**

We will be completing our hands-on evaluations on live drug impaired subjects. We will be split into two groups. One group will be at the California Highway Patrol's West Sacramento Office and the other with be at their Capital Office. Do not bring firearms or body cameras or any other Law Enforcement gear to the Field Certification sites other than your badge/credentials.

### **What to Expect**

As mentioned, we will be going straight to work when we arrive. It is recommended that you bring a laptop to complete your evaluation reports electronically. If there is any downtime while we're at the CHP Office, it is highly recommended that you work on reports from the evaluations you have already completed. Evaluation reports must be completed and turned into CHP the day after we complete the evaluations (so Thursday's evals will be turned in Friday morning; Friday's evals will be turned in Saturday morning etc).

### **Final Knowledge Preparation**

The last day will be our Final Knowledge Exam. Remember that this is a very time consuming, essay form test. I would highly recommend studying onsets and durations prior to our trip as well as ensuring you have a very solid knowledge of the Matrix (verbatim with exceptions). The purpose of this test is to ensure you have a solid working knowledge of the DRE Program/Evaluation.

Again, it will be a lot of work, but it'll be well worth it in the end, you have my word.

I've given you a lot of information. If you have any questions or issues, please feel free to reach out to me at any time.

I'm confident everyone will do great and super excited to work with you more in Sacramento to complete your certifications.

Congratulations again, and thank you so much for your hard work and dedication to keeping our roadways safe.

Respectfully,

Charlie Files



**New Mexico DRE**

Division of Driver License Services

**Charles L. Files**

New Mexico DRE State Coordinator

601 W. 9th Street  
505-462-2000

3620 Wyoming Blvd NE, Suite #125

Albuquerque, New Mexico 87111

[www.facebook.com/NewMexicoDRE](http://www.facebook.com/NewMexicoDRE)



New Mexico Drug Recognition Expert Program

To Whom It May Concern

Your employee is applying for the 2018 Drug Recognition Expert Certification Program. The program is broken apart into three phases:

PHASE 1: The DRE training consists of a pre-school (16 hours). This is a two-day, classroom training in which students are introduced to the term "Drug" as it pertains to drug impaired driving. Students are also given a proficiency exam on Standardized Field Sobriety Tests, as well as a written test which they must pass to continue to second phase of training.

PHASE 2: The eight-day school (which is taught continuously after the pre-school) is 64 hours of classroom training. During this classroom training, the DRE is taught the techniques of the drug evaluation, each drug category and signs and symptoms associated with them and physiology. The student must pass a comprehensive test at the end of this section to move on the Phase 3. Both Phase I and Phase II will be held concurrently in Albuquerque this year June 18th-June 29th, 2018.

PHASE 3: This phase includes the field certification, which is done at the California Highway Patrol Office in Sacramento, California. Evaluations are done on "live" drug impaired subjects and the DRE must formulate opinions for twelve subjects. After certifications are complete, another comprehensive exam is given before the student can become a certified DRE. This is tentatively set for the end of August 2018, and students successful in phases 1 & 2 will know the dates of their Field Certification Trip prior to returning to their Department.

\*As you can see, the certification process requires travel (in Phase 3, possibly also Phases 1 and 2 depending on your location). Please note that the program is funded in full by a grant and comes at no monetary cost to your agency. Airfare for Phase 3 will be paid for up front by the grant, however, lodging and Per-Diem must be paid for up front by the student. The student will be reimbursed in full.

Please note that reimbursement checks will be made out to and paid to the student, and not the agency.

Applicant, please read and initial each bullet point listed below:

- I understand that, if selected, I am responsible for paying per-diem/hotel up front, and that I will be reimbursed (phase 3/ possibly phase 1 & 2 as well depending on geographical location) IS
- I understand that, if selected, reimbursement is done between NMDRE and myself, and not my agency D
- I attest that I am proficient in the administration and interpretation of the SFST Battery D
- I understand that attendance is mandatory for all Phases of Training and if selected I will make the necessary arrangements to ensure perfect attendance D

The class size is limited and not all applicants will be accepted. The selection is based on several factors. Students based in a geographical location with little or no Drug Recognition Experts will be considered first.

By signing below, I acknowledge that I have read, understand and agree to the above and still wish to apply/recommend my employee for this training:

Dacia Korman  
Applicant Printed Name

[Signature]  
Applicant Signature

Christopher Lore  
Department Head/Designee Printed Name

[Signature]  
Department head/Designee Signature

\*This form must be signed and sent to cfiles@nmdre.org to complete the application process. Incomplete applications will not be considered.

# 2018 Drug Recognition Expert Training Application

## READ ME

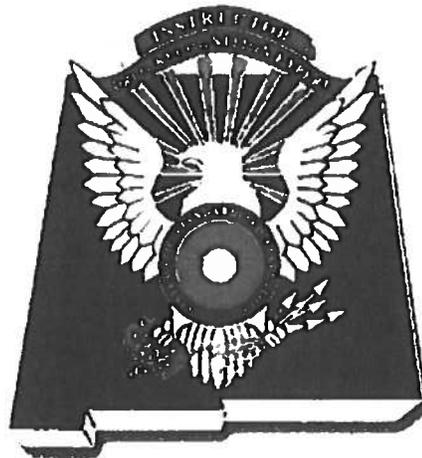
You are applying for the Drug Recognition Expert Certification Program. The application process consists of the following.

Complete and submit this document

Read, Print, and Sign (applicant AND Department Head) 'DRE School Description and Acknowledgement'

Send 'DRE School Description and Acknowledgement' via email to [cfiles@nmdre.org](mailto:cfiles@nmdre.org)

**\*\*Please note: Completing this online form does NOT complete your application. Your application will not be complete until this online form is complete AND the 'DRE School Description and Acknowledgement' form has been sent. Incomplete applications can not be considered.\*\***



- I have read and understand the above and wish to proceed with the application process.

## 2018 Drug Recognition Expert Training Application

### Personal Information

Class size is limited and not all applicants will be accepted. The selection is based on several factors. Students based in a geographical location with little or no Drug Recognition Experts will be considered first. To be considered for training, the student must meet the criteria listed below (exceptions may apply on a case by case basis). Review below and check all that apply:

- Must be off probation with your agency
- Must be in some type of enforcement capacity with their agency (there are some exceptions)
- Must be proficient at SFST and Intoxilyzer certified
- Must have attended an ARIDE course prior to acceptance

## 2018 Drug Recognition Expert Training Application

### Personal Information

First Name \*

Darin

**Last Name \***

Romero

**Date of Birth (for reimbursement purposes) \***

08 / 21 / 2018

**Email Address \***

darinr@lasvegasnm.gov

**Address (this should be your home address) \***

43 Próspero Dr Las Vegas NM 87701

## **2018 Drug Recognition Expert Training Application**

Agency Information

**Agency \***

Las Vegas Police Department

**If New Mexico State Police, which district?**

Choose

**Years of Service at Current Agency \***

2

**Rank/Title: \***

Police Officer

**Do you have prior Law Enforcement Experience with another agency?**

\*

Yes

**If 'yes', which agency:**

San Miguel Sheriff's Office

**Dates of employment at previous agency:**

March 2014 to May 2016

## 2018 Drug Recognition Expert Training Application

### Training and Experience

Number of DWI arrests for 2017: \*

2

When were you first trained on SFST/DWI Detection? \*

12 / 17 / 2014

When was your last SFST Update? \*

04 / 30 / 2018

Have you attended ARIDE? \*

Yes

If 'yes', when/where?

May 2018 Las Vegas Police Department

**Summarize any formal training and/or education you have had related to DRE or other drug training (ie. Drug detection, EMT, college), if applicable:**

SFST Instructor, IR 8000 Key Operator,

## **2018 Drug Recognition Expert Training Application**

### **Recommendations/References**

**Name of current DRE recommending you for this training (if applicable):**

**Name of Immediate Supervisor: \***

David Trujillo

**Email Address of Immediate Supervisor: \***

david.trujillo@lasvegasnm.gov

This content is automatically generated by Google

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 08/01/18**

**DEPT: Police**

**MEETING DATE: 08/15/18**

**ITEM/TOPIC:** Approval/Disapproval of Resolution request 18-29 to apply for funding offered through New Mexico Department of Game and Fish to rehabilitate the Shooting Range through the Las Vegas Police Department.

**ACTION REQUESTED OF COUNCIL:** *Approval/Disapproval to apply for funds.*

**BACKGROUND/RATIONALE:** The Las Vegas Police Department respectfully requests permission to apply for funds through New Mexico Game and Fish in the amount of \$15,000.00 to rehabilitate the Shooting Range for the use for Law Enforcement and the community of San Miguel County and the surrounding areas.

**STAFF RECOMMENDATION:** Requesting approval to apply for funding through the New Mexico Department of Game and Fish.

**COMMITTEE RECOMMENDATION:**

**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.**

  
\_\_\_\_\_  
**INTERIM CHIEF CHRIS LOPEZ**

**REVIEWED AND APPROVED BY:**

  
\_\_\_\_\_  
**TONITA GURULE-GIRON  
MAYOR**

\_\_\_\_\_  
**TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)**

  
\_\_\_\_\_  
**ANN MARIE GALLEGOS  
INTERIM CITY MANAGER**

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

\_\_\_\_\_  
**DANIELLE SMITH  
INTERIM CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)**

## Board resolution in support of the application

Each application must include this resolution, signed by the president or similar governing group or officer, indicating that the application has the approval of the organization's governing board. All resolution forms must be attested to by the organization's secretary or officer and notarized.

Resolution of the City of Las Vegas  
(organization's governing body)

Resolution No: 18-29

Date: August 15, 2018

Approving the application to the New Mexico Department of Game and Fish for a Shooting Range Development Grant for project title:  
Shooting Range Rehabilitation

WHEREAS, the New Mexico State Game Commission pursuant to NMSA 1978 Sections 17-7-7 et seq. has authorized the establishment of a Shooting Ranges Development Policy providing financial assistance for the development of shooting ranges for public purposes; and

WHEREAS, the New Mexico Department of Game and Fish has responsibility for the administration of the policy, including the necessary guidelines and procedures governing applications for funding assistance under the policy; and

WHEREAS, the application procedures require the applicant's governing body to approve by resolution the submission of applications for shooting range assistance

NOW, THEREFORE, BE IT RESOLVED that this board hereby:

- Approves the filing of an application for a shooting range improvement funds; and
- Certifies that the project application is consistent and compatible with all adopted plans and programs for safe shooting range development; and
- Agrees to comply with all procedures, guidelines and requirements of the New Mexico Department of Game and Fish as a part of the application process; and
- Understands that the project scope and funding amount are subject to final approval by the New Mexico Department Game and Fish; and Commander Eric Padilla (Name of project coordinator) is authorized to act on behalf of this organization by conducting negotiations, and by executing and submitting documents, including but not limited to, applications, agreements, amendments, and other documents which may be necessary for the completion of a shooting range development project. PASSED, ADOPTED AND APPROVED.

By signing below, I certify that I am the duly appointed and qualified Mayor (Title of your office) of the City of Las Vegas (Name of your organization) and certify that the foregoing resolution is true, correct and was passed and adopted at a regular meeting of the board, held on August 15, 2018 (Date of the meeting) at which a quorum was present.

Signature of office holder		Date
Printed name and title of individual above	Tonita Gurulé-Girón	

Notary's seal and information

Fill out and print this page and place it on the cover of your application.

<b>New Mexico State Game Commission</b> <b>Shooting Range Improvement Reimbursement Program</b>  <b>Application cover page</b> <i>Please type or print</i>		<i>Department use only</i>  <b>Application #</b>  <b>Date received</b>  <b>Year</b>	
Organization name	Las Vegas City Police Department		
Project title	Shooting Range Rehabilitation		
Total project cost	\$	20,000.00	<i>Maximum grant award is 75% of total actual project cost, not to exceed \$50,000</i>
Total Grant Amount Requesting	\$	15,000.00	
Brief description of the project	The Police Department would like to rehabilitate the Shooting Range into a pistol, rifle and archery range.		
Project start date	08/01/2018	Project end date	12/31/18
Contact person for this application	Beatrice Salazar		
Mailing address	318 Moreno St. Las Vegas, NM 87701		
Telephone	505-426-3145	Fax number	505-425-0456
Email address	bea.salazar@lasvegasnm.gov		
<b>Shooting Range information</b>			
Name of range	Tony M. Trujillo Shooting Range		
Name of range manager	Cmdr. Eric Padilla	Phone Number	505-429-6248
Email address of Manager or contact	epadilla@lasvegasnm.gov		
Mailing address of range or general range location	47 Gunner Trl Las Vegas, NM 87701		
Legal description	B-1	17	16
	<i>Quarter</i>	<i>Section</i>	<i>Township</i>
			16 Plat Bk 37
			<i>Range</i>
<p>I certify that the information contained in this grant application is accurate. If awarded a grant, our organization will abide by the requirements of the New Mexico Department of Game and Fish. I acknowledge that failure to meet the requirements of the grant program will result in the forfeiture of grant funds.</p>			
Signature of person who prepared the application			Date 07/19/18
Printed name of individual above	Beatrice Salazar		
Signature of the president of the applicant organization			Date
Printed name of individual above	Tonita Gurule-Girón		

## City of Las Vegas Shooting Range Rehabilitation Project

The City of Las Vegas Police Department in partnership with the New Mexico Game and Fish would like to update the current Shooting Range to make it more pistol and rifle friendly and to accommodate a location for archery. Currently, the range is not open completely due to the need for remodeling which will be done by employees of the City of Las Vegas, volunteers from the community, Friends of the Range, and local businesses.

At the current time, the Range is not completely open to the Public due to vandalism that has occurred but this is one of the goals we are striving for to accommodate San Miguel County whose current population is 27,748 to promote gun safety and education. We do offer services to the public at roughly 20 – 25 members a month set by appointment. Another goal we would like to achieve is opening the range to include 4-H members of the community, Conceal Carry classes, private groups, veterans, gun clubs and state, federal and local law enforcement agencies. We wish to provide a safe and controlled area for the community.

Our ultimate goal is to restore the range by fixing the berms, safety barriers, shooting lanes, and security fences, so we can also host public and private events. At present time, this is the only shooting range within a 15 mile radius of the City of Las Vegas, and we would like to work with nonprofit organizations to host events as well as the City itself to host events.

With these goals in mind, the City of Las Vegas has offered to match the 25% that is required and would also provide in kind funds of time and labor for the remodeling. Once the rehabilitation is completed, with an end date of approximately December 2018, the range would be open to the public 9:00 a.m. – 4:30 p.m. Wednesday through Sunday, with Monday and Tuesday for cleanup.

Once the revamping is done, public announcements will be made to promote the new and improved range through social media, flyers, and hosting events.



## City of Las Vegas

318 Moreno Street • Las Vegas New Mexico 87701 • Ph# (505) 425-7504 • Fax # (505) 425-6346



**Interim Chief Christopher Lopez**

### CITY OF LAS VEGAS SHOOTING RANGE (1-3yr Plan)

#### Phase I

1. Develop and document shooting range organization
2. Identify partners and stakeholders
3. Develop MOU and By-Laws
4. Grant Applications (Rehabilitation of existing range)
5. Gather existing range information

#### Phase II

1. Develop selection criteria for identifying new opportunities/restrictions for range
2. Develop Public Communication Strategy

#### Phase III

1. Implement Communication plan and engage the public in the development of a draft Recreation Sport Shooting Strategy
2. Ongoing public communication and education



## City of Las Vegas

318 Moreno Street • Las Vegas New Mexico 87701 • Ph# (505) 425-7504 • Fax # (505) 425-6346



Interim Chief Christopher Lopez

### Phase IV

1. Continue public involvement
2. Finalize recreational sport shooting implementation strategy

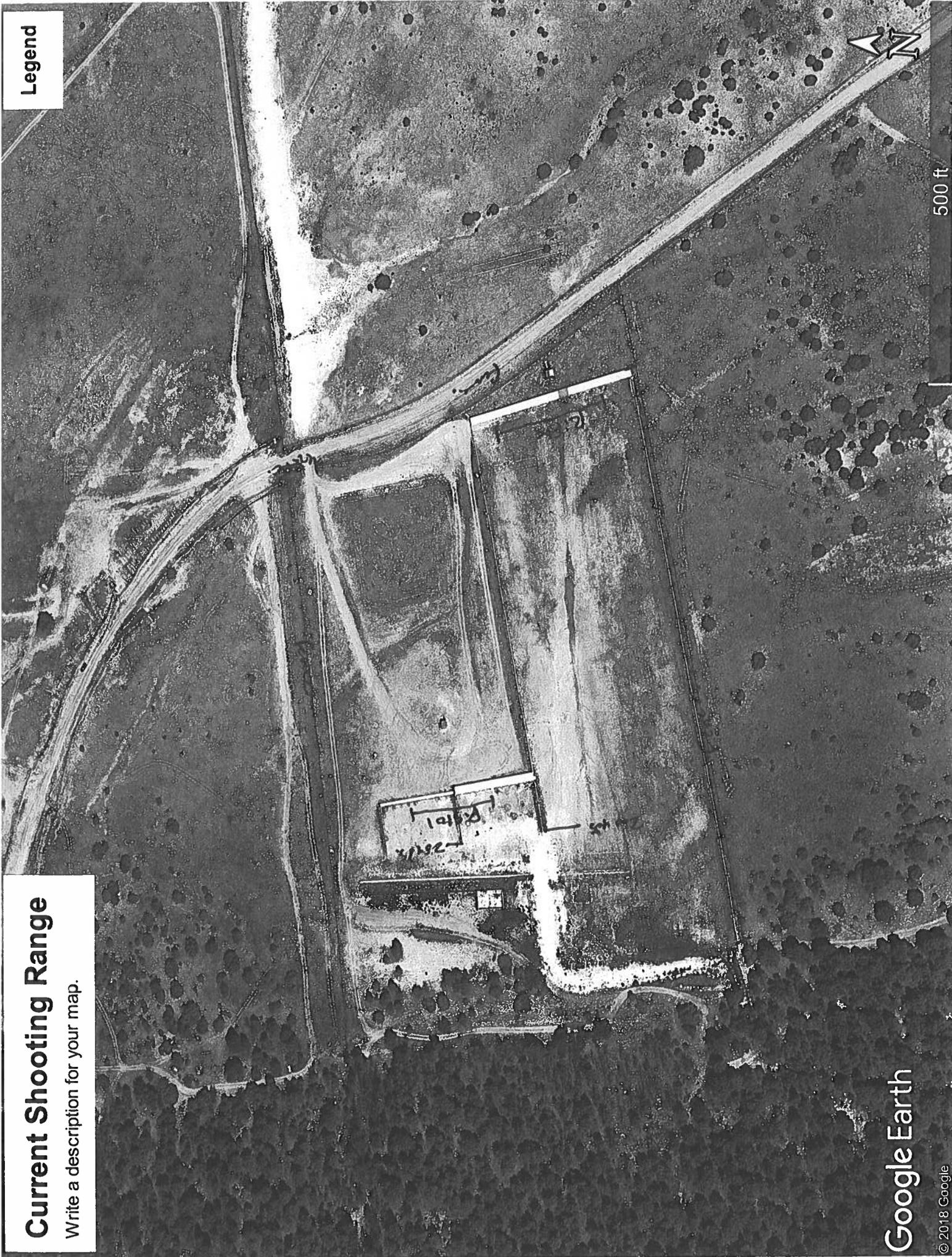
### Phase V

1. Continue public Engagement, Information & Education aspects of recreational sport shooting Strategy
2. Partners begin implementation of recreational sport shooting strategy per respective policies and financial capability
3. Partners develop long-term monitoring and evaluation plan to have range accessibility for the public, private and law enforcement organizations.

# Current Shooting Range

Write a description for your map.

Legend

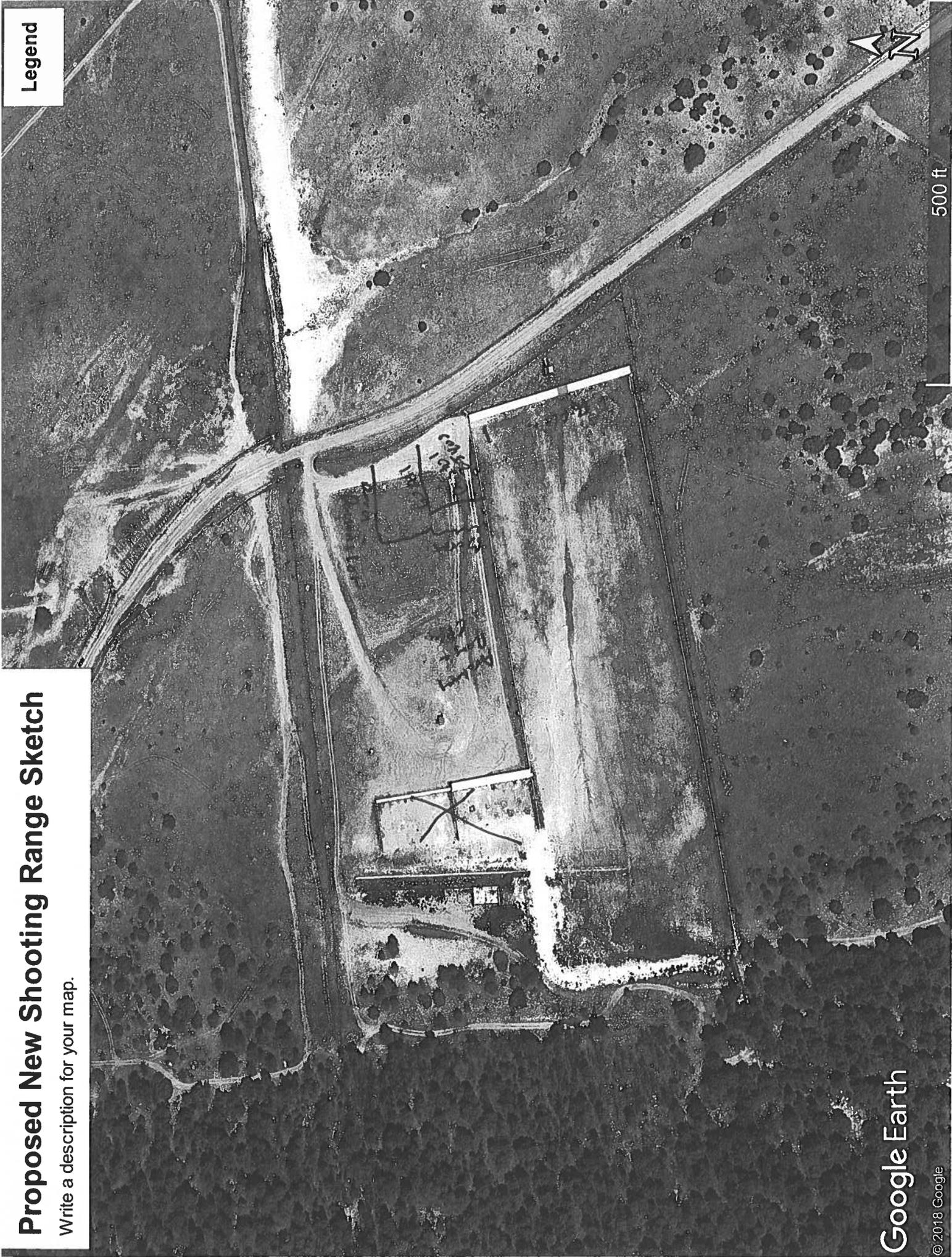


500 ft

# Proposed New Shooting Range Sketch

Write a description for your map.

Legend



Google Earth

© 2018 Google

500 ft



**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 08/01/18**

**DEPT: Police**

**MEETING DATE: 08/15/18**

**ITEM/TOPIC:** Approval/Disapproval to accept Pass through Grant Funds from the Department of Information Technology E-911 for the Las Vegas Police Department and Department of Public Safety District 2.

**ACTION REQUESTED OF COUNCIL:** *Approval/Disapproval to accept funds.*

**BACKGROUND/RATIONALE:** The Las Vegas Police Department respectfully requests permission to accept funding in the amount of \$305,891.00 through the New Mexico Department of Information Technology to operate the E-911 System for the Las Vegas City Police Department and the Department of Public Safety District 2 Office.

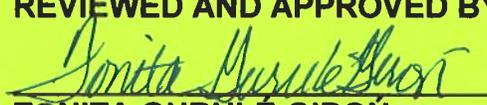
**STAFF RECOMMENDATION:** Requesting approval to accept funding through the E-911 Grant Fund.

**COMMITTEE RECOMMENDATION:**

**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.**

  
**INTERIM CHIEF CHRIS LOPEZ**

**REVIEWED AND APPROVED BY:**

  
**TONITA GURULE-GIRON  
MAYOR**

\_\_\_\_\_  
**TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)**

  
**ANN MARIE GALLEGOS  
INTERIM CITY MANAGER**

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

\_\_\_\_\_  
**DANIELLE SMITH  
INTERIM CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)**

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
AND  
DEPARTMENT OF INFORMATION TECHNOLOGY

ENHANCED 911 ACT GRANT PROGRAM

GRANT AGREEMENT

Project No. 19-E-20

THIS GRANT AGREEMENT is made between the Department of Finance and Administration (“DFA”), the Department of Information Technology (“DoIT”), the “Department”, and the **City of Las Vegas**, the “Grantee”, and collectively referred to as the “Parties”.

WHEREAS, this Grant Agreement is made between the State of New Mexico and the Grantee, pursuant to the authority in the Enhanced 911 Act, Sections 63-9D-1 *et seq.* NMSA 1978, (“Act”) as amended, and the Enhanced 911 Rules, 10.6.2 NMAC (“Enhanced 911 Requirements” or “E-911 Rules.”); and

WHEREAS, DFA and DoIT entered into a Joint Powers Agreement (“JPA”) dated May 8, 2018, transferring all 911-related activities from DFA to DoIT, including grant-related activities; and

WHEREAS, an enhanced 911 telephone emergency system is necessary to expand the benefits of the basic 911 emergency telephone number, to achieve a faster response time which minimizes the loss of life and property, provides automatic routing to the appropriate public safety answering point (“PSAP”), provides immediate visual display of the location and telephone number of the caller and curtails abuses of the emergency system by documenting callers; and

**WHEREAS, this Grant Agreement funds the Public Safety Answering Points (PSAPs) at the City of Las Vegas and the Department of Public Safety (District 2), which also provides E-911 related services to San Miguel and Mora Counties, as well as E-911 related reimbursements for travel, training, and Geographic Information Systems (GIS) software and hardware;**

WHEREAS, the Grantee and the Department have the authority, pursuant to the Act, NMSA 1978, Sections 63-9D-1 *et seq.*, the E-911 Rules, and the above-mentioned JPA to enter into this Grant Agreement; and

WHEREAS, the Grantee complies with the definition of “Grantee” in 10.6.2.7(HH) NMAC, of the E-911 Rules; and

WHEREAS, the Department has the authority, pursuant to NMSA 1978, Section 63-9D-8 and the above-mentioned JPA, to administer the Enhanced 911 (E-911) fund; and

WHEREAS, on May 15, 2018, the State Board of Finance awarded the Grantee **\$305,891** for enhanced 911 services and equipment.

NOW, THEREFORE, the Parties agree as follows:

**ARTICLE I - LENGTH OF GRANT AGREEMENT**

- A. Unless terminated pursuant to Article IV, the term of this Grant Agreement will be **July 1, 2018**, through **June 30, 2019**.
- B. In the event that, due to unusual circumstances, it becomes apparent that this Grant Agreement cannot be brought to full completion within the time period set forth in Paragraph A above, the Grantee shall notify the Department in writing at least thirty (30) days prior to the termination date of this Grant Agreement, for the purpose of allowing the Grantee and the Department to review the work accomplished to date and determine whether there is need or sufficient justification to amend this Grant Agreement and to provide additional time for completing the same. The Department's decision whether or not to extend the term of this Grant Agreement is final and non-appealable.

**ARTICLE II – REPORTS**

- A. PSAP Annual Report: No later than June 30th of each year, the Grantee shall submit to the Department a PSAP Annual Report, in the form attached as Exhibit A, as may be changed from time to time upon the Department's written notice to the Grantee. The PSAP Annual Report will include information described in 10.6.2.11.D NMAC, of the E-911 Rules, and any such other information as the Department may request, in sufficient detail to evaluate the effectiveness of the 911 equipment and services provided by the equipment vendor.
- B. Federal 911 Resource Center Report: No later than January 30th of each year, the Grantee shall submit to the Department a Federal 911 Resource Center Report, in the form attached as Exhibit B, as may be changed from time to time upon the Department's written notice to the Grantee.

**ARTICLE III - CONSIDERATION AND METHOD OF PAYMENT**

- A. In consideration of the Grantee's satisfactory completion of all work, purchase and maintenance of the equipment and services required to be performed in compliance with all the terms and conditions of this Grant Agreement, the Department shall pay the Grantee a sum not to exceed **\$305,891** from the Enhanced 911 fund in accordance with Article III (D). The funds are to be expended in accordance with the approved Revenue/Expenditure Budget (Budget), attached to and incorporated by reference as Exhibit C, and in accordance with 10.6.2.11 NMAC of the E-911 Rules, "PSAP Equipment, Acquisition, and Disbursement of Funds." It is understood and agreed that the Grantee's expenditure of these monies will not deviate from the line items of the Budget without the prior written approval of the Department, and the funds will not be expended for ineligible costs via 10.6.2.11(F) of the E-911 Rules.
- B. The funds mentioned in Paragraph A above will constitute full and complete payment of monies to be received by the Grantee from the Department.
- C. It is understood and agreed that if any portion of the funds set forth in Paragraph A above is not expended for the purpose of this Grant Agreement, after all conditions of this Grant Agreement have been satisfied, the unexpended funds shall be reverted by the Department in accordance with the Act and the E-911 Rules.
- D. Pursuant to NMSA 1978, Section 63-9D-8, as amended, payments will be made from the Enhanced 911 fund to, or on behalf of, participating local governing bodies or their fiscal agents upon vouchers signed by the director of the Department solely for the purpose of reimbursing local governing

bodies or their fiscal agents, commercial mobile radio service providers or telecommunications companies for their costs of providing enhanced 911 service.

- E. Payments may be made by the Department as follows: (1) on behalf of the Grantee to telecommunications companies, vendors and equipment providers; or (2) reimbursements to the Grantee for actual costs or expenditures after the Department receive a completed Request for Payment Form, or an invoice certified correct by the Grantee and/or the Department for the E-911 equipment, equipment maintenance, and upgrades billed by the equipment provider. All purchases made by the Grantee for equipment, equipment maintenance, and upgrades require prior written approval by the Department to be eligible for reimbursement.
- F. Payments will not be made to the Grantee for work, equipment, maintenance or services not specified in this Grant Agreement, or in violation of, or ineligible under the E-911 Rules.

#### **ARTICLE IV - MODIFICATION, TERMINATION AND MERGER**

- A. Early Termination. Except as provided in Article IV (D) below, this Grant Agreement may be terminated by either of the Parties upon written notice delivered to the other party at least 30 days prior to the intended date of termination. Except as otherwise allowed or provided under this Grant Agreement, the Department's sole liability upon termination shall be to pay for eligible budget items purchased prior to the Grantee's receipt of the notice of termination and in accordance with this Grant Agreement, if the Department is the terminating party, or upon the Grantee sending a notice of termination, if the Grantee is the terminating party. A notice of termination will not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Grant Agreement. The Grantee shall submit an invoice for such eligible Budget items within 30 days of receiving or sending the notice of termination. This Grant Agreement may be terminated immediately upon written notice to the Grantee if the Grantee becomes unable to or fails to perform the terms of this Agreement, as determined by the Department or if, during the term of this Grant Agreement, the Grantee or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph. THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE DEPARTMENT'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE GRANTEE'S DEFAULT/BREACH OF THIS GRANT AGREEMENT, INCLUDING BUT NOT LIMITED TO, RETURN OF MISSPENT GRANT FUNDS BY THE GRANTEE TO THE DEPARTMENT.
- B. Termination Management. Immediately upon receipt by either the Department or the Grantee of a notice of termination of this Grant Agreement, the Grantee shall: (1) not incur any further obligations for expenditure of funds under this Grant Agreement without written approval of the Department; and (2) comply with all directives issued by the Department in the notice of termination as to the performance under this Grant Agreement.
- C. This Grant Agreement incorporates all agreements, covenants and understandings between the Parties concerning the subject matter of this Grant Agreement and all such agreements, covenants and understandings have been merged into this written Grant Agreement. No prior agreements, covenants, or understandings oral or otherwise, of the Parties or their agents will be valid and enforceable unless embodied in this Grant Agreement.
- D. The terms of this Grant Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of the Grant Agreement. If sufficient appropriations and authorizations are not made by the Legislature, the Department may immediately terminate this Grant Agreement, in whole or in part, regardless of any existing legally

binding third-party contracts entered into by or between the Grantee and a third party, by giving the Grantee written notice of such immediate early termination. The Department's decision as to whether sufficient appropriations are available will be final and non-appealable. The Grantee shall include a substantively identical clause in all contracts between it and third parties that are (i) funded in whole or in part by funds made available under this Grant Agreement and (ii) entered into between the effective date of this Grant Agreement and the Termination Date or early termination date.

#### **ARTICLE V - CERTIFICATION**

The Grantee assures and certifies that it shall comply with all state and federal laws, the E-911 Rules, and other laws, rules, policies and with respect to the acceptance and use of State funds. Also, the Grantee gives assurances and certifies with respect to the Grant that:

- A. It shall comply with the New Mexico Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199.
- B. It shall adhere to all financial and accounting requirements of DFA and of the Department.
- C. It shall comply with all requirements set forth in the Act and prescribed by the Department in the E-911 Rules, or other guidelines and procedures in relation to receipt and use of State Enhanced 911 grant funds.
- D. It shall not at any time use or convert any equipment or property acquired or developed pursuant to this Grant Agreement for other than the uses specified, without the prior written approval of the Department.
- E. It shall comply with NMSA 1978, Section 63-9D-4D and provide GIS addressing and digital mapping data to the PSAP that provides the enhanced 911 service to the Grantee.
- F. It accepts responsibility for coordinating and providing accurately maintained GIS addressing, road centerline, boundary and other data in the service area to the Department per 10.6.2 NMAC. This information will be compliant with the statewide dataset used by the local PSAPs.
- G. It agrees and acknowledges that all GIS data provided to the Department's statewide dataset in support of the E-911 program is public data and will be shared with other governmental agencies.
- H. It shall finance any amount exceeding the approved funding for the 911 equipment costs.
- I. It shall not make any changes in the E-911 system configuration without first submitting a written request to the Department and obtaining the Department's written approval of the proposed change(s).
- J. It shall provide to the Department, documentation of total insurance coverage for all hardware and software and other equipment purchased with E-911 funds. Insurance should, at a minimum, cover non-routine maintenance defects including, but not limited to, all acts of God, floods, fire, lightning strikes and water damage.
- K. It shall provide all the necessary qualified personnel, material, and facilities to run its E-911 PSAP.
- L. It shall submit all project related contracts, subcontracts, and agreements to the Department for administrative review and approval prior to execution for compliance only with the E-911 program

requirements and not for legal sufficiency. Amendments to existing contracts also must be submitted to the Department for review and approval prior to execution.

- M. It shall comply with the PSAP consolidation requirement pursuant to the 10.6.2.15 NMAC of the E-911 Rules.

**ARTICLE VI - RETENTION OF RECORDS**

The Grantee shall keep and preserve such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for a period of six (6) years from the termination of the Grant Agreement, the purpose of undertaking for which such funds were used, the amount and nature of all contributions from other sources, and such other records as the Department prescribes.

**ARTICLE VII – REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS GRANT AGREEMENT**

The Grantee shall include the following or a substantially similar termination clause in all contracts that are (i) funded in whole or in part by funds made available under this Grant Agreement and (ii) entered into after the effective date of this Grant Agreement:

“This contract is funded in whole or in part by funds made available under a Department of Information Technology (Department) Grant Agreement. Should the Department or the [insert name of Grantee] terminate the Grant Agreement, the [insert name of Grantee] may terminate this contract by providing the Contractor written notice of the termination in accordance with the notice provisions in this contract. In the event of termination pursuant to this paragraph, the Grantee’s only liability shall be to pay the Contractor for acceptable goods/equipment and/or services delivered and accepted prior to the termination date.”

**ARTICLE VIII - REPRESENTATIVES**

- A. The Grantee hereby designates the person listed below as the official Grantee Representative responsible for overall supervision of the approved project:

Name: Pamela Sandoval  
Title: Commander, Las Vegas Police Department  
Address: 318 Moreno St.  
Las Vegas, New Mexico 87701  
  
Phone: 505-425-7504  
Fax: 505-425-5046  
Email: [psandoval@lasvegasnm.gov](mailto:psandoval@lasvegasnm.gov)

- B. The Department designates the person listed below as its Program Manager, responsible for overall administration of this Grant Agreement, including compliance and monitoring of Grantee:

Name: Bill Range  
Title: E-911 Program Manager  
Address: Department of Information Technology  
715 Alta Vista  
P.O Box 22550

Santa Fe, NM 87501

Phone: 505-827-4804  
Fax: 505-827-0273  
Email: [bill.range@state.nm.us](mailto:bill.range@state.nm.us)

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

IN WITNESS WHEREOF, the Grantee and the Department hereby execute this Grant Agreement.

THIS GRANT AGREEMENT has been approved by:

GRANTEE

Gan M. Gallegos  
Authorized Signatory

6/18/18  
Date

Ava M. Gallegos  
(Type or Print Name)

Interim City Manager for Las Vegas  
Title, Organization

Approved:  
Daniel [Signature]  
Interim City Manager  
6-14-18

DEPARTMENT OF INFORMATION TECHNOLOGY

By: [Signature]  
Darryl M. Ackley, Cabinet Secretary and State CIO

26 JUN 2018  
Date

DEPARTMENT OF FINANCE AND ADMINISTRATION

By: Duffy Rodriguez  
Duffy Rodriguez, Cabinet Secretary

27 June 2018  
Date

## Exhibit A

### PSAP Annual Report

PSAP Annual Report Form For: \_\_\_\_\_

Date of Report: \_\_\_\_\_

Section	PSAP Input
<b>Section 10.6.2.11 D(8)</b>	
PSAP Name	
Date of PSAP Report	
Exact address of the PSAP (No P. O. boxes)	
Number make and model of E911 and Radio Dispatch positions (if a position is used for both call taking and dispatching, list it as such)	
Type of equipment to include make and model	
Telephone switching equipment	
MIS System	
Mapping server	
Radio System	
UPS (for 911 Equipment)	
Back-up Generator	
Version of E911 operating system software	
Number and type of dedicated/ switched voice/data circuits	
Routing central office and PSAP end office	
Maintenance control center to include name of company, physical address, telephone number, email address, and your point of contact for E911 equipment and voice logging recorder, if different from E911 equipment maintainer	
PSAP manager or coordinator and alternate: contact names, addresses, phone numbers, and their PSAP email address	
MSAG coordinator name, address, phone number, and email address	
GIS representative to include physical address, telephone number, and email address	

Section	PSAP Input
Type and manufacturer of CAD system, if any, and type and manufacturer of voice logging recorder	
<b>Section 10.6.2.11 D(9)</b>	
Each PSAP shall maintain at least one 10-digit administrative number. This number shall also be used to receive incoming emergency calls transferred to the PSAP by other PSAPs for certain alternate and default routing arrangements. The preferred way to transfer an emergency call is via one-button transfer via 911 trunk, but the above method can be used for PSAPs that do not have one-button transfers the above mentioned PSAP.	
Provide the administrative number(s)	
<b>Section 10.6.2.11 D(14)</b>	
The PSAP shall maintain a list of fixed and auto-dial transfer features.	
List of fixed transfers	
List of auto-dial transfers	
<b>Section 10.6.2.11 D(18)</b>	
<b>Special circumstances.</b>	
(a) In accordance with the ADA each PSAP shall establish procedures to handle calls from speech and hearing impaired individuals. <u>Include a copy of your procedures.</u>	
(b) PSAPs shall develop procedures for handling unanswered or silent 911 calls. <u>Include a copy of your procedures.</u>	
<b>Miscellaneous Section</b>	
List the PSAP insurance provider name, POC, and policy numbers as proof of hazard and liability insurance for the PSAP facility	
List any back-up PSAP(s) and attach any MOU(s) documenting agreement(s)	

PSAP Annual Report Continued

<b>9-1-1 PSAP Activity-PSAP Input Here</b>			
	<b>Wireline 9-1-1 Calls</b>	<b>Wireless 9-1-1 Calls</b>	<b>Total 9-1-1 Phone Calls</b>
<i>Jul</i>			
<i>Aug</i>			
<i>Sep</i>			
<i>Oct</i>			
<i>Nov</i>			
<i>Dec</i>			
<i>Jan</i>			
<i>Feb</i>			
<i>Mar</i>			
<i>Apl</i>			
<i>May</i>			
<i>June</i>			
<b>Total</b>			
<b>Month Avg.</b>			
<b>Day Avg.</b>			

**Exhibit B**

**Federal 911 Resource Center Report**

Call Types	Annual Total of Calls from January 1 through December 31
Wireline	
Wireless	
Voice over Internet Protocol (VoIP)	
Multiline Telephone System (MLTS)	
Telematics	
Other	
Total of All Call Types	

**New Mexico E-911 Program Grant**  
 Local Government Division  
 Department of Finance and Administration

Exhibit C

<b>Grantee:</b>	City of Las Vegas	<b>Grant Award:</b>	305,891
<b>Address:</b>	318 Moreno Street	<b>Project Number:</b>	19-E-20
	Las Vegas, NM 87701	<b>Grant Period:</b>	July 1, 2018 - June 30, 2019
<b>Telephone:</b>	575-454-1401		
<b>Number of Funded PSAP Positions:</b>		Las Vegas - 3, DPS Dist 2 - 5	

<b>Budget Line Items</b>	<b>Total Budgeted Amount</b>
<b>Capital</b>	
E-911 Equipment Upgrades	-
Firewall and Router Equipment	-
Dispatch Software	-
Recorder	-
UPS/Generator	-
<b>Capital Subtotal</b>	<b>-</b>
<b>Recurring Network/Managed Services</b>	
Voice Network	89,513
Data MPLS Network	26,820
Wireless Cost Recovery	1,200
<b>Recurring Network/Circuit Subtotal</b>	<b>117,533</b>
<b>Recurring Maintenance</b>	
System Maintenance	148,812
<b>Recurring Maintenance Subtotal</b>	<b>148,812</b>
<b>Services/Training</b>	
911 Related Training	10,000
911 Related GIS	3,000
911 Consulting Services	4,634
GIS Consulting Services	19,512
Interpretive Services	400
Minor Equipment	2,000
<b>Services/Training Subtotal</b>	<b>39,546</b>
<b>TOTAL</b>	<b>305,891</b>

**Regular or Special  
CITY COUNCIL MEETING AGENDA REQUEST**

**DATE:** 7/23/2018

**DEPT:** Transportation

**MEETING DATE:** 8/15/2018

**ITEM/TOPIC:** Resolution 18-33 City of Las Vegas Meadow City Express' intent to apply for NMDOT Grant 5311

**ACTION REQUESTED OF COUNCIL:** Approval/Disapproval of Resolution 18-33

**BACKGROUND/RATIONALE:** The City of Las Vegas has the intent to match grant funds for the NMDOT Grant 5311. City of Las Vegas Meadow City Express provides public transportation to individuals on a demand schedule. Applying for NMDOT Grant 5311 will allow services to continue.

**STAFF RECOMMENDATION:** Approval of Resolution 18-33

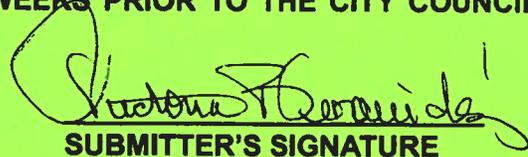
**COMMITTEE RECOMMENDATION:**

**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.**

**REVIEWED AND APPROVED BY:**

  
TONITA GURULÉ-GIRÓN  
MAYOR

  
ANN MARIE GALLEGOS  
INTERIM CITY MANAGER

  
SUBMITTER'S SIGNATURE

\_\_\_\_\_  
TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)

\_\_\_\_\_  
CITY ATTORNEY  
(ALL CONTRACTS, ORDINANCES  
AND RESOLUTIONS MUST BE  
REVIEWED)

**STATE OF NEW MEXICO  
CITY OF LAS VEGAS  
RESOLUTION NO. 18-33**

**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 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 NMDOT Transit and Rail monies to assist with administrative, operating and capital expenses on an annual basis; and

**WHEREAS**, the City of Las Vegas matches the NMDOT Transit and Rail monies at a ration and intends to match the monies in the amount of \$75,000.00 and

**WHEREAS**, the City of Las Vegas Meadow City Express intends to submit an application for FY 2020 Section 5311 Public Transportation Grant; and

**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 2311 Public Rural Transportation Grant.

**PASSED, APPROVED AND ADOPTED by the Governing Body**, this \_\_\_\_\_ day of August, 2018.

Signed:

\_\_\_\_\_  
Mayor Tonita Gurule-Giron

ATTEST:

\_\_\_\_\_  
Cassandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

\_\_\_\_\_  
Attorney

**Regular or Special**  
**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE:** 8/2/18

**DEPT:** City Clerk

**MEETING DATE:** 8/15/18

**ITEM/TOPIC:** Liquor License application requesting a transfer of location.

**ACTION REQUESTED OF COUNCIL:** Conduct a Public Hearing and Approval/Disapproval of Application requesting a transfer of location of Inter-Local Dispenser Liquor License with on premises consumption only with patio service for Chamisa Hills Golf and Country Club, LLC DBA The Historic El Fidel Hotel.

**BACKGROUND/RATIONALE:** The applicant is requesting a transfer of location on Inter-Local Dispenser Liquor License to do business as The Historic El Fidel Hotel located at 500 Douglas Avenue, Las Vegas, NM 87701, Application No. 1094703. All zoning and publication requirements have been met.

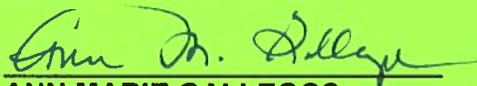
**STAFF RECOMMENDATION:** Approval

**COMMITTEE RECOMMENDATION:**

**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.**

**REVIEWED AND APPROVED BY:**

  
\_\_\_\_\_  
TONITA GURULE-GIRON  
MAYOR

  
\_\_\_\_\_  
ANN MARIE GALLEGOS  
INTERIM CITY MANAGER

  
\_\_\_\_\_  
SUBMITTER'S SIGNATURE

\_\_\_\_\_  
TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)

\_\_\_\_\_  
CITY ATTORNEY  
(ALL CONTRACTS, ORDINANCES  
AND RESOLUTIONS MUST BE  
REVIEWED)



New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION  
P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

July 12, 2018

Certified Mail No.: 9171 9690 0935 0079 1768 25

Susana Martinez  
Governor

Robert "Mike" Unthank  
Superintendent

Pat McMurray  
Deputy Superintendent

Claudia Armijo  
Deputy General Counsel

Debra A. Lopez  
Acting Director

City of Las Vegas  
Cassandra Fresquez, Clerk  
1700 N. Grand Avenue  
Las Vegas, NM 87701



Re: Lic. No. : 2759  
Application No.: 1094703  
Name of Applicant: Chamisa Hills Golf and Country Club, LLC  
Doing Business As: The Historic El Fidel Hotel  
Proposed Location: 500 Douglas Avenue, Las Vegas, NM 87701

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

**Notice of the Public Hearing** required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made of the hearing.**

**THE APPLICANT IS SEEKING A TRANSFER OF LOCATION OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2759 WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE.**

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martínez, Hearing Officer  
New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division  
Phone: (505) 476-4804 Fax: (505) 476-4595  
Email: [charmaine.martinez2@state.nm.us](mailto:charmaine.martinez2@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement



**RECEIVED**  
 MAY 16 2018  
 Page 1 Revised 5/16  
 ALCOHOL & GAMING DIVISION

AGD USE ONLY: Payment | Application Fee \$ 200 Received on: 5-17-18 Receipt No. 2081285  
 Application Number: 1094703 Local Option District: Las Vegas

**TRANSFER OF DISPENSER-TYPE LIQUOR LICENSE APPLICATION**

\$200.00 Application Fee, non-refundable.

License No. 2759 Type of License: Inter-Local Dispenser

Check appropriate boxes:

Application is for:  Transfer of Ownership  Transfer of Ownership and Location  Transfer of Location Only

Record Owner of Existing License: Chamisa Hills Golf and Country Club, LLC

Current D/B/A Name: in voluntary suspension

Current Premises Address: 500 Country Club Drive, Rio Rancho, NM 87124

Current LOD: Rio Rancho Is License moving out of Local Option District?  Yes  No

APPLICANT IS:  Individual  Limited Liability Company  Corporation  Partnership (General/Limited)

NAME of Individual/Company: ADDRESS (including city, state, zip)

Chamisa Hills Golf and Country Club, LLC 500 Country Club Drive, Rio Rancho, NM 87124

w/copy to: New Mexico Liquor Licenses, LLC 6739 Academy Rd. NE Suite 110, Albuquerque, NM 87109

D/B/A Name to be used: EL Fidel Historic Hotel The Historic El Fidel Hotel Business Phone #: TBD

Email Address (required): cagol4@aol.com

Physical location where license is to be used: (Include Street # / Highway # / State Road, City, State, and Zip Code)

500 Douglas Ave.

Las Vegas, NM 87701

County of: San Miguel

Mailing Address: 500 Douglas Ave., Las Vegas, NM 87701

Are alcoholic beverages currently being dispensed at the proposed location?  Yes  No If Yes, License # / Type:

Agent/Contact Person: New Mexico Liquor Licenses, LLC c/o Kyla Stoker Phone#: Email: nmliquorlicense@yahoo.com

I, (print name) Harry Apodaca, as (title) Member

being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application: that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Sign before a Notary Public:

Signature of Applicant: [Signature]

Date: 4-27-18

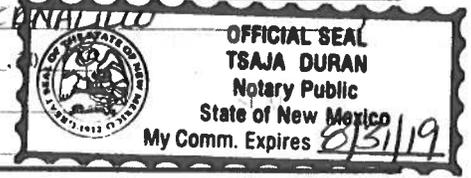
NOTARY PUBLIC USE ONLY: (State of NEW MEXICO, County of BERNALILLO)

SUBSCRIBED AND SWORN TO before me this 27 day of April

By: TSAJA DURAN

Notary Public: [Signature]

My Commission Expires: 8/31/19



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: \_\_\_\_\_ City, County, Village

Public Hearing held on \_\_\_\_\_, 20\_\_\_\_. Check one:  Approved  Disapproved

Signature and Title of City/County Official: \_\_\_\_\_

FOR ALCOHOL AND GAMING DIVISION USE ONLY:  Approved  Disapproved

Signed by Director: \_\_\_\_\_ Date: \_\_\_\_\_



**LIMITED LIABILITY COMPANY - NMSA 560-4B-2.A(6)**

1. Name of Limited Liability Company: Chamisa Hills Golf and Country Club, LLC

2. Company Formed on: 02-28-2002, with copy of Operating Agreement attached.

3. Company Registered on: 02-28-2002, with a copy of Certificate and Article of Organization attached.

4. Mailing Address: 2132 Osuna Rd NE, Albuquerque, NM 87113

City: Rio Rancho Albuquerque State: NM Zip: 87113 Phone: 505-401-0300

5. LIST ALL MEMBERS AND MANAGERS: Names and addresses of all Members – full disclosure is required. If a Member is a Corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

List % of Interest/Contribution | Title | Name | Complete Address

50% | Harry Apodaca | Member | 2132 Osuna Rd NE, Albuquerque, NM 87113

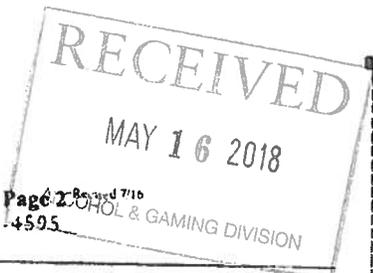
50% | Carolyn Apodaca | Member | 2132 Osuna Rd NE, Albuquerque, NM 87113

6. Has this LLC ever had a liquor license in which it held any interest in any State suspended or revoked?  No  Yes, if so, provide details: \_\_\_\_\_

7. List every Liquor License in which this LLC owns any interest, direct or indirect:  None  See Attached  As follows:  
2759

1. Has any principal Officer, Director or Shareholder that holds 10% or more of this LLC ever been convicted of a felony?  
 No  Yes, detailed as follows: \_\_\_\_\_

**NOTE: Each individual Member must submit a Personal Data Affidavit form (page 6). All Members who own 10% or more must submit Fingerprints. All Managing Members must also be Server Certified.**



### PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

NMSA §60-6B-10

1. The land and building which is proposed to be the licensed premises is: (check one)

Owned by Applicant, copy of deed/document attached  Leased by Applicant, copy of lease/document attached

Other (provide details): Leased by Lessee agent

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): \_\_\_\_\_

B. Date and Term of Lease: \_\_\_\_\_

3. Premises location is Zoned (example C-1, see Zoning Statement): C-2

Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance\* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Peace Lutheran Church Miles/feet: CA: 1166 ft

Address/location of Church: On Douglas Ave, Las Vegas, NM 87701

5. Distance\* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Las Vegas Public Schools Miles/feet: CA: 1118 ft

Address/location of School: 901 Douglas Ave., Las Vegas, NM 87701

6. Distance from military installation \*(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, circle one Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces),  
Miles: CA. 83 (M) Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation:  Hotel  Lounge  Package Grocery  Restaurant  Racetrack

Small Brewer  Craft Distiller  Winery  Wholesaler

Other (specify): \_\_\_\_\_

\*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.

CITY OF LAS VEGAS  
1700 NORTH GRAND AVE.  
LAS VEGAS, NM 87701  
T 505.454.1401  
F 505.425.7335  
LASVEGASNM.GOV  
VISITLASVEGASNM.COM

TONITA GURULE-GIRÓN  
MAYOR

DAVID ULIBARRI  
COUNCILOR, WARD 1

VINCE HOWELL  
COUNCILOR, WARD 2

BARBARA PÉREA-CASEY  
COUNCILOR, WARD 3

DAVID L. ROMERO  
COUNCILOR, WARD 4

March 26, 2018

Kyla Stoker  
C/O NM Liquor Licenses, LLC  
for Historic El Fidel Hotel, LLC

RE: STATEMENT OF ZONING CERTIFICATION



To Whom It May Concern:

This statement certifies that the premises located at 500 Douglas Avenue, Las Vegas, New Mexico 87701 are located within a C-2 (Central Business District). This property is within a National Historic District.

As per the City's Zoning Code, §450-125. C-2 Central Business District, this zone is intended to permit the development of unlimited commercial uses and services and to serve as a central trading area for the City. The facilities provided for here are those that should not be dispersed into smaller and more intimate shopping areas.

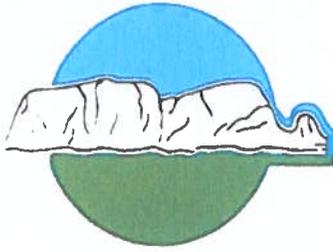
This zone allows for hotels and motels, and also eating and drinking places, including bars, restaurants, and cocktail lounges. The proposed use as a Hotel/Restaurant/Bar are permitted uses in this zone.

If further information is required, or you have any questions, please contact me at (505) 426-3279.

Sincerely,

Maria D. Perea  
Planning & Zoning Coordinator



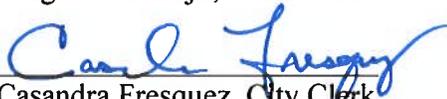


**CITY OF LAS VEGAS**  
1700 N. GRAND AVE. LAS VEGAS, NEW MEXICO 87701  
505-454-1401 FAX: 505-425-7335

**Mayor Tonita Gurulé-Girón**

**MEMORANDUM**

**TO:** Virginia Marrujo, Interim Community Development Director

**FROM:**   
Casandra Fresquez, City Clerk

**DATE:** July 18, 2018

**RE:** Application for a Transfer of Location for Inter-Local Dispenser Liquor License No. 2759 with on premises consumption only with Patio Service

Enclosed is a copy of the application for a Transfer of Location for Inter-Local Dispenser Liquor License No. 2759 with on premises consumption only with patio service submitted by Chamisa Hills Golf and Country Club, LLC, DBA The Historic El Fidel Hotel, 500 Douglas Avenue, Las Vegas, New Mexico, Application No. 1094703.

This information is being submitted to your office for review and to verify that the information contained in page 2 of the application is correct and in compliance with the distance requirements to the nearest church, school and military installation as mandated in the New Mexico State Statutes. Further, I would like to ensure that the area is zoned to allow such an establishment. Please submit to this office written confirmation as to whether or not the location proposed for use of the license meets those requirements.

By copy of this memorandum, I am also notifying Interim Police Chief Christopher Lopez of this application for his input, if any.

The Las Vegas City Council will hold a public hearing regarding the above application on August 15, 2018 at 6:00 p.m. and will require the information prior to the meeting.

Should you have any questions, please do not hesitate to contact me. Thank you in advance for your assistance.

**Enclosures:**

**xc:** Maria Perea, CAD Technician  
Ann Marie Gallegos, Interim City Manager  
Danelle Smith, Acting City Attorney  
Christopher Lopez, Interim Chief of Police



## MEMORANDUM

**TO:** Casandra Fresquez, City Clerk

**FROM:**   
Maria D. Perea, P&Z Coordinator

**FROM:**   
Virginia Marrujo, Interim CD Director

**DATE:** July 31, 2018

**SUBJECT:** Application for a Transfer of Location for Inter-Local Dispenser of Liquor License No. 2759 with on premises consumption only with Patio Service

Please be advised that we have reviewed the request submitted by Chamisa Hills Golf & Country Club, LLC DBA, The Historic El Fidel Hotel, 500 Douglas Avenue, Las Vegas, New Mexico for a transfer of location of Liquor License No. 2759. Our findings are as follows:

- The property known as 500 Douglas Avenue is zoned as a C-2 (Central Business District) and as per §450-125. C-2 Central Business District B. (3) Eating and drinking places, including bars, drive-in restaurants and cocktail lounges are permitted uses.
- The Immaculate Conception Church located at 811 6<sup>th</sup> Street, is the nearest church to the proposed location and is approximately nine hundred and thirty-nine feet (969') from 500 Douglas Avenue.
- NM Highlands University Rodgers Hall Admin. Bldg. located at 803 National Avenue is the nearest school to the proposed location and is approximately one thousand five hundred and twenty-three feet (1,523') from 500 Douglas Avenue.
- The nearest military installation is Kirtland Air force Base, Albuquerque, NM and is approximately one hundred thirty (130) miles from 500 Douglas Avenue.

I have attached a portion of the Zoning Map with the approximate location of 2401 N. Grand Avenue highlighted and an aerial map of the area showing the locations noted above.

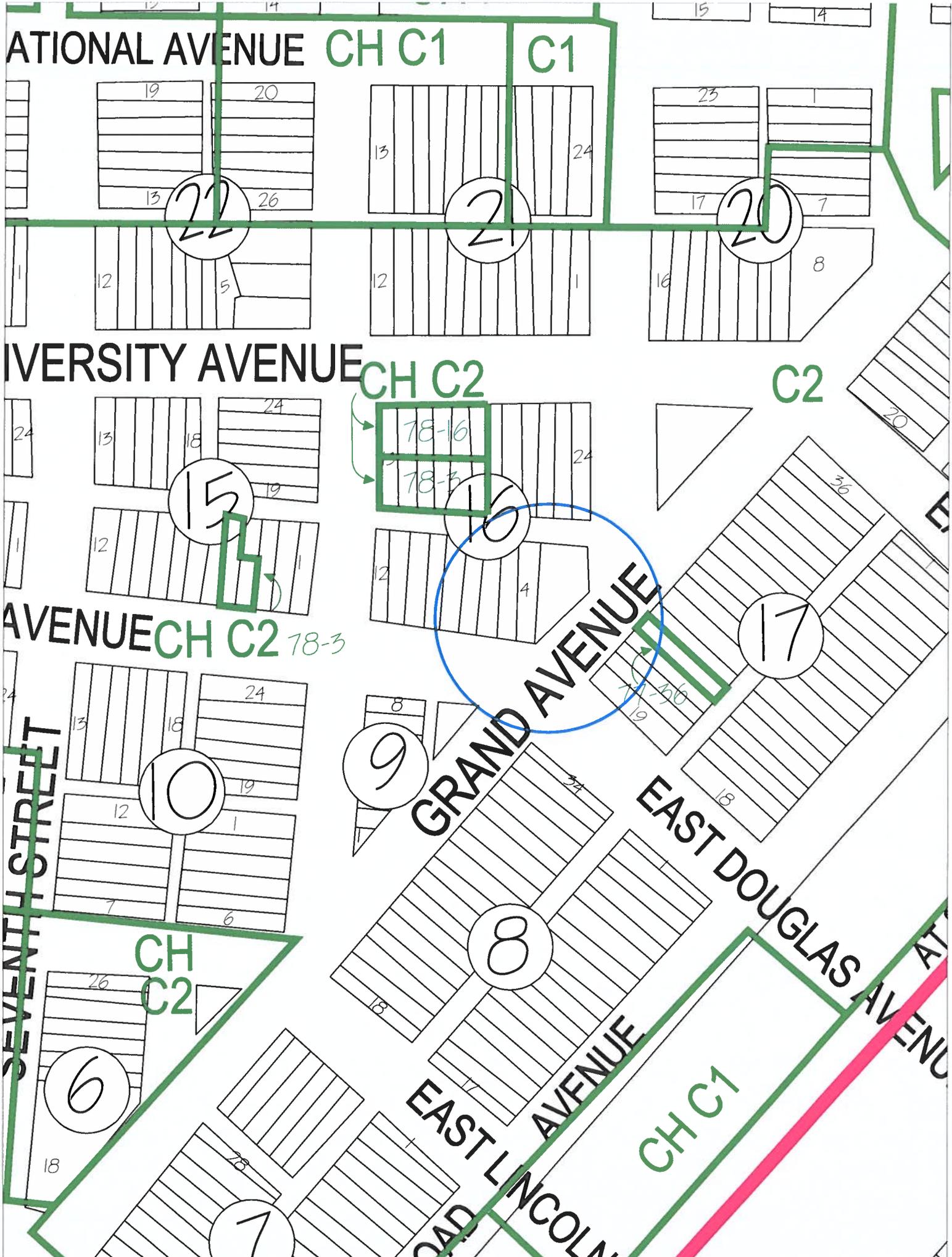
If you have any questions, please contact me at Ext. 3279.

Attachments: 2

XC: Anne Marie Gallegos, Interim City Manager  
Danelle Smith, City Attorney  
Christopher Lopez, Interim Chief of Police  
Research File

- #1. NM Highlands University Rodgers Hall Adm. Bldg., 803 National Avenue, Las Vegas, NM - - App. 1,523 feet from 500 Douglas Avenue
- #2. Immaculate Conception Church, 811 - 6th Street, Las Vegas, NM - - App. 969 feet from 500 Douglas Avenue
- #3. Kirtland Air Force Base, Albuquerque, NM - - App. 130 Miles from 500 Douglas Avenue





NATIONAL AVENUE CH C1

C1

UNIVERSITY AVENUE

CH C2

C2

SEVENTH STREET CH C2 78-3

GRAND AVENUE

EAST DOUGLAS AVENUE

EAST LINCOLN AVENUE

CH C1

22

21

20

15

16

17

10

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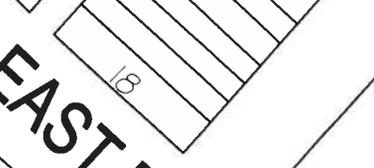
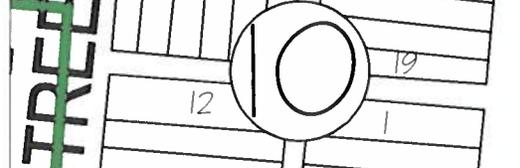
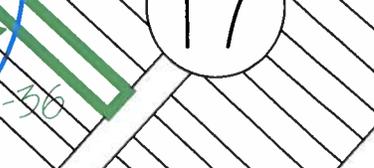
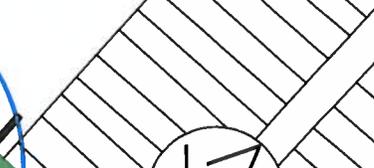
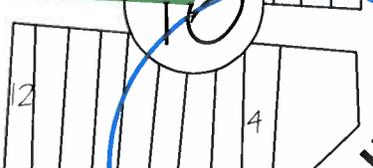
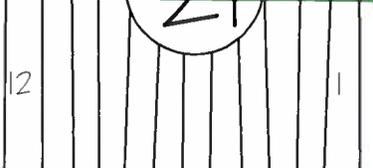
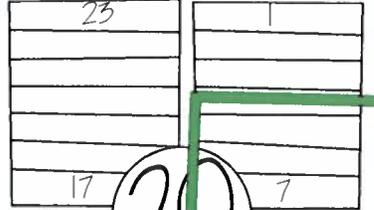
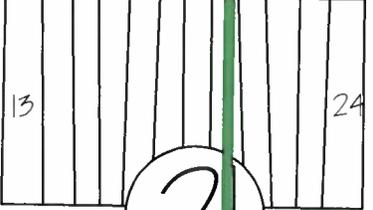
6

7

CH C2

EAST ALEXANDER AVENUE

SEVENTH STREET



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Las Vegas, New Mexico will conduct a public hearing on Wednesday August 15, 2018 at 6:00 p.m. in the City Chambers, 1700 N. Grand Avenue. The City Council will hear any and all protests and determine whether to approve or disapprove an application for a Transfer of Location of Inter-Local Dispenser Liquor License No. 2759 with on premises consumption only with patio service, submitted by Chamisa Hills Golf and Country Club, LLC, DBA The Historic El Fidel Hotel, 500 Douglas Avenue, Las Vegas, New Mexico 87701. The hearing is open to the public. Protests and/or comments may be filed with the City Clerk, 1700 N. Grand Avenue, prior to the hearing.

---

Casandra Fresquez, City Clerk

Publish: Las Vegas Daily Optic Friday July 27, 2018 and Wednesday August 8, 2018

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 08-03-18**

**DEPT: Community Development**

**MEETING DATE: 08-15-18**

**ITEM/TOPIC:**

Rezone of a property located at 2023 - 8th Street, Las Vegas, New Mexico via Ordinance #18-06, amendment to the Official Zoning Map for property.

**ACTION REQUESTED OF COUNCIL:**

Conduct a public hearing and approve or disapprove the adoption of proposed ordinance.

**BACKGROUND/RATIONALE:**

Ms. Dolores Sanchez-Sena, Personal Representative/Executor of the Willie Sanchez Estate, appeared before the Las Vegas Planning and Zoning Commission on July 30, 2018, on behalf of a parcel 0.46 acres ± in size and known as 2023 – 8<sup>th</sup> Street, Las Vegas, New Mexico. Dolores Sanchez- Sena (Personal Representative/Executor of the Willie Sanchez Estate) is requesting a Zone Change for property located at 2023 – 8<sup>th</sup> from an R-1 (Single Family Residential Zone) to an R-2 (Multi Family Residential Zone). The purpose of the zone change is to bring property into compliance with the current use, which is not allowed within the current zoning.

**STAFF RECOMMENDATION:**

Consideration by Mayor and Council.

**COMMITTEE RECOMMENDATION:**

The Planning & Zoning Commission recommends approval of the re-zone from a Single Family Residential to a Multi-Family Residential.

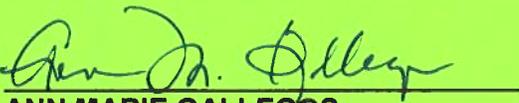
**THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.**

  
SUBMITTER'S SIGNATURE

**REVIEWED AND APPROVED BY:**

  
TONITA GURULE-GIRON  
MAYOR

\_\_\_\_\_  
TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)

  
ANN MARIE GALLEGOS  
INTERIM CITY MANAGER

\_\_\_\_\_  
PURCHASING AGENT  
(FOR BID/RFP AWARD)

\_\_\_\_\_  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)

Approved to form 1-26-15

**CITY OF LAS VEGAS, CITY COUNCIL  
ORDINANCE NO. 18-06**

**AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-1 (SINGLE FAMILY RESIDENTIAL ZONE) TO AN R-2 (MULTI-FAMILY RESIDENTIAL ZONE) FOR PROPERTY IS LOCATED AT 2023 - 8<sup>TH</sup> STREET, LAS VEGAS, NEW MEXICO 87701 AS REQUESTED BY DOLORES SANCHEZ-SENA, PERSONAL REPRESENTATIVE/ EXECUTOR OF THE WILLIE SANCHEZ ESTATE.**

**WHEREAS**, Dolores Sanchez-Sena has applied for an amendment to the official zoning map for property located at 2023 - 8<sup>th</sup> Street, pursuant to provisions of the Las Vegas City Zoning Ordinance, and;

**WHEREAS**, on July 30, 2018, 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 property located at 2023 - 8<sup>th</sup> Street an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone), and on July 30, 2018 adopted a motion recommending approval of the proposed amendment.

**WHEREAS**, on August \_\_, 2018, 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 2023 - 8<sup>th</sup> Street from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone), and more fully described as follows:

A parcel 0.46 acres ± in size as per Boundary Survey No. 018-085 completed in May 2018 by Winston & Associates, LLC and recorded at the San Miguel County Clerk's Office on June 11, 2018, Plat Book 75, Page 59 (document # 002941). A copy of boundary survey is attached.

**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 \_\_\_\_\_, 2018.**

**ATTEST:**

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

\_\_\_\_\_  
Tonita Gurule-Giron, Mayor

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

\_\_\_\_\_  
Dante S. Salazar  
Interim City Attorney

**BOUNDARY SURVEY OF PROPERTY BELONGING NOW OR FORMERLY TO DR. WILLIE SANCHEZ,  
CITY OF LAS VEGAS, SAN MIGUEL COUNTY, NEW MEXICO, WITHIN THE LAS VEGAS LAND GRANT  
PROJECTED SECTION 15, TOWNSHIP 16 NORTH, RANGE 16 EAST, N.M.P.M.**

- LEGEND**
- property boundary line
  - - - approximate boundary of adjoining owners
  - hog wire fence
  - power pole, overhead power line
  - gas line (approx. location)
  - sewer line (approx. location)
  - water line (approx. location)
  - steel post in concrete
  - 1/2" rebar found
  - W.C. man/cap set marked WINSTON PLS 6999
  - witness corner
  - chain out
  - gas meter
  - water meter
  - water valve

**SUBJECT PROPERTY**



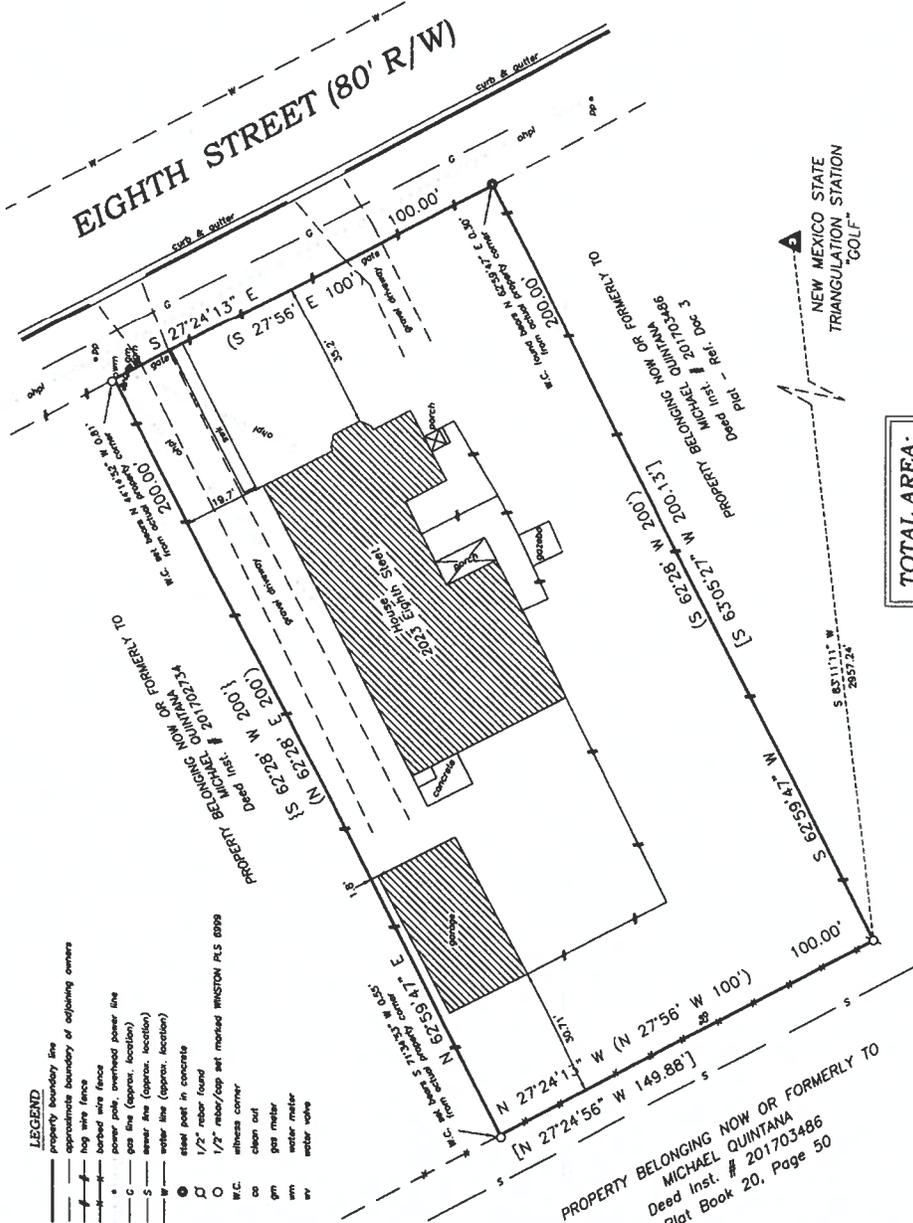
LOCATION MAP  
SCALE: 1"=2000'

**SURVEYOR'S NOTES**

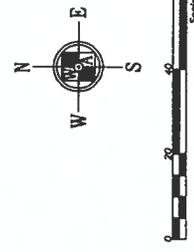
- The purpose of this survey is to determine the boundaries of the property conveyed by the deed (Ref. Doc. 1).
- There may be recorded or unrecorded documents relating to this land that are unknown or have not been provided to this surveyor of this date.
- Measurements and bearings are based on GPS observations.
- According to the Official Zoning Map of the City of Las Vegas, this property is zoned RSM (Residential Single-Family) and is subject to the City of Las Vegas Code, Chapter 21A, which requires that all structures on this property be within a Flood Hazard Area.
- Underground utility lines are shown herein in their approximate locations as shown on the City Utility location books published by the City of Las Vegas.
- Line calls [ ] are those as shown on Ref. Doc. 2. Line calls in parentheses ( ) are those as shown on Ref. Doc. 3. Line calls in brackets [ ] are those as shown on the deed list. #20170234.

**REFERENCE DOCUMENTS**

- Marion Deed - Dr. Willie Sanchez and Julio Sanchez to Dr. Willie Sanchez recorded in Book 235, Page 5337, Office of the San Miguel County Clerk.
- Survey Plat - Showing the Property of Albert H. Bonhart dated 9/12/1953 by H.E. Beaman, C.E.
- Deed Oct. 11, 1988, recorded in Plat Book 20, Page 20, San Miguel County Clerk.



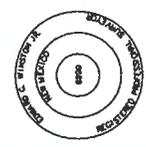
**TOTAL AREA:  
19,999.5 S.F.  
or 0.459 Ac.±**



**SURVEYOR'S CERTIFICATION**

I, Edward G. Winston, Jr., a New Mexico Registered Professional Surveyor certify that I conducted and am responsible for this survey made on June 1, 2018, that this survey is true and correct in accordance with the minimum Standards for Land Surveying in New Mexico. I further certify that this is a Boundary Survey of existing tracts and that it is not a land division or subdivision as defined in the New Mexico Subdivision Act.

Edward G. Winston, Jr.  
N.M.P.L.S. 6999  
DATE: 6/1/18



**INDEXING INFORMATION FOR COUNTY CLERK**

Record Owner: Dr. Willie Sanchez, W.D. Bk. 235, Pg. 5337  
Section 15, Township 16 North, Range 16 East, N.M.P.M.  
(Projected into the Las Vegas Land Grant)

Eight Street Extension  
Uniform Parcel Code Number: 1-084-084-452-183

**BOUNDARY SURVEY**

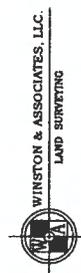
DATE: May, 2018  
DRAWN BY: JPC  
REVISIONS:  
PREPARED FOR:  
**DOLORES SANCHEZ-SENA**

PREPARED BY: WINSTON & ASSOCIATES, LLC.  
P.O. BOX 1361  
LAS VEGAS, NEW MEXICO 87701  
PHONE (505) 425-7717

PLAT #  
**018-085**

7/5/18  
1 062941

FILED IN MY OFFICE  
AT 3:00 O'CLOCK P.M.  
DATE June 11, 2018  
COUNTY CLERK AND RECORDER  
SAN MIGUEL COUNTY  
BY *Christine Eschbacher*  
DEPUTY C. Eschbacher  
BOOK 75 PAGE 59





**City Manager & City Attorney's Office  
Review and Approval Form**

**Date Submitted:** July 26, 2018

**Department Submitting and Person:** Community Development/Maria D. Perea

**I am in receipt of the document for review titled:** Ordinance #18-06

**Amount of Pages to be reviewed:** 3 pages

**Upon Completion of review please:**Contact Maria Perea @ Ext. 3279

**Urgency:**     High Priority     Medium Priority     Low Priority

**Deadline:** As soon as possible

**Comments:** \_\_\_\_\_  
\_\_\_\_\_

**Approved / Disapproved:** Approved    **Summary Included:** Yes / No    see emailed memo  
Danelle Smith    7-31-18  
**Danelle Smith, City Attorney**    **Date**

**Approved / Disapproved:** \_\_\_\_\_  
**Anne M. Gallegos, Interim City Manager**    **Date**

**Date Documents Picked Up:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**Printed Name**    **Signature**

**CITY COUNCIL  
RECORD PROPER**

**Applicants/Owners:** Dolores Sanchez-Sena  
Personal Representative/Executor of  
the Willie Sanchez Estate

**Location:** 2023 – 8<sup>th</sup> Street, Las Vegas, NM 87701

**Hearing Date:** August 15, 2018

**ACTION REQUESTED:**

Approve or disapprove the adoption of Ordinance No. 18-06 amending the Official Zoning Map from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone) for property located at 2023 – 8<sup>th</sup> Street, Las Vegas, New Mexico 87701.

**BACKGROUND:**

Ms. Dolores Sanchez-Senna, Applicant/Personal Representative & Executor of the Willie Sanchez Estate, has applied for an amendment to the official zoning map of the City of Las Vegas. The application is to change the zoning on a 0.46 acres parcel ± located within T16n, R16e, Section 15 and known as 2023 – 8<sup>th</sup> Street, Las Vegas, New Mexico. The City's Planning & Zoning Commission held a public hearing on Monday, July 30, 2018 to review testimony in favor or opposition of the request. A total of 13 notices were mailed out to property owners within a radius of 100 feet. One property owner was at the Planning & Zoning Commission meeting with questions. There was no opposition to the request. The City's Planning & Zoning Commission made the recommendation for approval for the requested zone change.

In accordance with Chapter 450-98 of the zoning ordinance, an amendment to the Official Zoning Map may be initialized by the landowner by application. Ms. Sanchez-Sena filed the application on June 25, 2018.

## EXHIBITS

<b>Exhibit No.</b>	<b>Description (Document Name, date and number of pages)</b>
------------------------	--

1	Application to re-zone property located at 2023 8 <sup>th</sup> Street, Las Vegas, New Mexico, received on June 25, 2018 – 1 page
2	Letter of Intent to re-zone above property, dated June 25, 2018 – 1 page
3	Warranty deed recorded at the San Miguel County Clerk's Office on November 19, 1996, DB 235, Page 5337 – 3 pages
4	Copy of Las Will and Testament of Willie Sanchez – 5 pages
5	Letter to property owner advising of the meeting date and time, dated August 2, 2018 – 1 page
6	Boundary Survey of Subject Property, completed by Winston & Associates, Inc. in May 2018, and recorded at the San Miguel County Clerk's Office on June 11, 2018, PB 75, Page 59 - 1 page
7	Building Sketch – showing the apartment set-up – 1 page
8	Letter from Jeff Weeks (Appraiser) regarding reason for zone change, noting that property as it is zoned does not allow for the current use – 1 page
9	List of property owners within 100-feet of subject property sent notification via certified mail, copy of Assessor's Map (1" = 100'), Vicinity Map and Zoning map of subject property – 5 pages
10	Aerial photo of Subject property – 1 page
11	Copy of the Planning & Zoning Commission Record Proper, which was approved - 1 page
12	Findings of Fact and Conclusions of Law and recommendations and not signed by Planning & Zoning Commission Chairperson - 2 pages
13	Copy of Ordinance No. 18-06, reviewed and signed by City Attorney – 4 pages

CITY OF LAS VEGAS ZONE CHANGE APPLICATION

Name of applicant(s): Dolores Sanchez Sena

Address of applicant: 1101 Grand Avenue, Las Vegas, NM 87701

Property interest of applicant(s): Purchaser - from family members
Owner, under contract, purchaser, etc.

Home phone #: None work #: None cell# (505) 617-0844

Address of property to be rezoned: 2023 - 8th Street, Las Vegas, NM 87701

If an address does not exist for this property, staff can assist you with assignment of an address.

What is the present use of the property? Residential - 2 apartments
Commercial, residential, agricultural

Why do you want to rezone your property? Want to rezone because I found out that the 2 apartments are not in compliance with the current zoning of the property. It is easier to change the zoning to fit what is there than to convert property to a single family residence as it should be.

Signature of applicant

Date 6-25-18

Signature of owner (If different from applicant)

Date

This area to be filled in by staff

1. DB 235 page 5337 of recorded deed November 19, 1996

2. Present zone classification? R-1 (Single Family Residential)

3. What will the zone classification be after the zone change?

R-2 (Multi-Family Residential Zone)

Date fee was paid? 7-16-18 receipt # 00551489

Amount paid? \$210.00

Please provide applicant with copy of this application

June 25,2018

City of Las Vegas  
Planning and Zoning Committee  
1700 North Grand Avenue  
Las Vegas N.M. 87701

Dear City of Las Vegas:

I am the executor of my father's estate; his name is Dr. Willie Sanchez. I am currently in the process of trying to purchase an asset from the estate which is located at 2023 8<sup>th</sup> street. The property was our family home. During the process of my purchase, I was required to get an appraisal on the property, unfortunately the appraiser was unable to complete the appraisal because the property was not zoned correctly. I was not aware of this problem because my father converted the dwelling into two separate units many years ago. He occupied only one of the units and the other one remained vacant.

The home has been remodeled and is currently occupied. I am now requesting that the property be rezoned from an R1 to an R2 so that it can be in compliance with the city's zoning policies. My contact information is Phone #: 505-617-0844, or email: vern.ell@hotmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dolores Sanchez-Sena', with a long horizontal flourish extending to the right.

Dolores Sanchez-Sena  
1101 Grand Avenue  
Las Vegas, N.M. 87701

May Admin. Statutory Form  
Rev. 2-79

12706

### WARRANTY DEED

Dr. Willie Sanchez and Julia T. Sanchez (DEC) for consideration paid, grant to Dr. Willie Sanchez

whose address is 2023 8th Street Las Vegas, NM 87701  
the following described real estate in San Miguel County, New Mexico:

Beginning at a fence corner at the NE corner of this tract behind the SE corner of a tract of land of Robert O. Sipe, on the west line of Eighth Street Extension; from said NE corner of the city monument at the intersection of the center line of Eighth Street with the center line of Friedman Avenue bears N 62° 28' E, 37.50 feet, and S 27° 56' E, 3995 feet, thence S 27° 56' E, 100 feet along the west line of Eighth Street Extension to the SE corner of this tract; thence along property of Vernon Lyster, S 62° 28' W, 200 feet to a fence corner, the SW corner of this tract, thence N 27° 56' W, 100 feet to a fence corner, the NW corner of this tract, thence along the property line of said Robert O. Sipe, N 62° 28' E, 200 feet to the NE corner and place of beginning, containing .46 of an acre, more or less.

with warranty covenants.

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_

Willie Sanchez (Seal) \_\_\_\_\_ (Seal)  
\_\_\_\_\_  
\_\_\_\_\_  
(Seal) \_\_\_\_\_ (Seal)

#### ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO } ss.

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 19th day of Jul, 1986  
by Willie Sanchez  
(Prints or Names of Person or Persons Acknowledging)

My commission expires: 4/16/1997 Rebecca Sora  
(Seal) Notary Public

#### ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO } ss.

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by \_\_\_\_\_  
(Name of Officer)

of \_\_\_\_\_  
(Name of Corporation)  
corporation, on behalf of said corporation.

My commission expires: \_\_\_\_\_  
(Seal)

(Title of Officer) County of San Miguel  
Rebecca A. Medina  
(Name of Corporation) County of San Miguel  
Filed For Rec. \_\_\_\_\_  
Date November 19, 1986  
Time 3:30 P.M.  
Book 235 OLLD PgE 5357  
Deputy M. R. ...

0 150 0000 1548

**AFFIDAVIT OF  
SURVIVING SPOUSE OF JULIA MARIA SANCHEZ**

STATE OF NEW MEXICO )  
 ) SS.  
COUNTY OF SAN MIGUEL )

WILLIE SANCHEZ, the affiant herein, having been duly sworn, states upon oath:

1. JULIA MARIA SANCHEZ died JUNE 3, 1981, more than six (6) months prior to the execution of this Affidavit as shown in the certified copy of the death certificate attached hereto as Exhibit "A".

2. WILLIE SANCHEZ and the Decedent, JULIA MARIA SANCHEZ were at the time of the death of the Decedent married and owned their homestead as defined in Section 45-3-1205 (C) NMSA 1978 as community property. A copy of the deed with a legal description of the homestead is attached hereto as Exhibit "B".

3. But for the homestead, the Decedent's estate need not be subject to any judicial probate proceeding either in District Court or Probate Court in the State of New Mexico.

4. No application or petition for appointment of a personal representative or for admittance of a Will to probate is pending or has been granted in any jurisdiction.

5. Funeral expenses, expenses of last illness and all unsecured debts of the Decedent have been paid.

6. WILLIE SANCHEZ is the surviving spouse of the Decedent, JULIA MARIA SANCHEZ, and is entitled to title to the homestead.

7. No other person has a right to the interest of the Decedent in the described property.



**LAST WILL AND TESTAMENT OF**

**WILLIE SANCHEZ**

*WS*  
I, Willie Sanchez, born in Velarde, New Mexico on December 20, 1928, a resident of Las Vegas, San Miguel County, New Mexico, residing at 1101 Grand Avenue, Las Vegas, New Mexico, 87701, being of sound and disposing mind and memory and over the age of eighteen (18) years and a single man, and not being actuated by any duress, menace, fraud, mistake, or undue influence, do make, publish, and declare this to be my last Will and Testament, hereby expressly revoking all Wills and Codicils previously made by me.

**I. MARRIAGE AND CHILDREN**

I was previously married to Julie Maria Trujillo Sanchez, who predeceased me. The marriage to Julie Maria Trujillo Sanchez was the only marriage I have entered. From that marriage I have the following named children, and I have no other children whatsoever.

William Andrew Sanchez, born September 4, 1950;

Beverly Jo Sanchez, born January 27, 1952;

Lawrence Anthony Sanchez, born November 17, 1953;

Mark Phillip Sanchez, born April 21, 1957;

Dolores Juanita Sanchez (now Sena), born November 29, 1960; and

Timothy James Sanchez, born May 30, 1962.

**II. PERSONAL REPRESENTATIVE**

I appoint my daughter, Dolores Juanita Sanchez-Sena, who resides at 1101 Grand Avenue, Las Vegas, New Mexico, 87701, as my Personal Representative and Executor of this my Last Will and Testament and provide if this Executor is unable or unwilling to serve then I appoint my son, Lawrence Anthony Sanchez, who resides at 2 Calle Seco, Española, New Mexico, 87701, as alternate Personal Representative and Executor. My Personal Representative and Executor shall be authorized to carry out all provisions of this Will and pay my just debts, obligations and funeral expenses and all such other duties and authorities as provided by law.

**III. BEQUESTS**

---

To each of my above named children I give my entire estate in equal shares, share and share alike.

**VII. ALL REMAINING PROPERTY; RESIDUARY CLAUSE**

I give, devise, and bequeath all of the rest, residue, and remainder of my estate, of <sup>the</sup> whatever kind and character, and wherever located, to each of my above named children in equal shares, share and share alike.

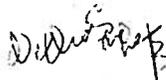
**VIII. WAIVER OF BOND, INVENTORY, ACCOUNTING, REPORTING AND APPROVAL**

My Personal Representative and alternate Personal Representative shall serve without any bond, and I hereby waive the necessity of preparing or filing any inventory, accounting, appraisal, reporting, approvals or final appraisal of my estate. I direct that no expert appraisal be made of my estate unless required by law.

**XI. SEVERABILITY AND SURVIVAL**

If any part of this Will is declared invalid, illegal, or inoperative for any reason, it is my intent that the remaining parts shall be effective and fully operative, and that any Court so interpreting this Will and any provision in it construe in favor of survival.

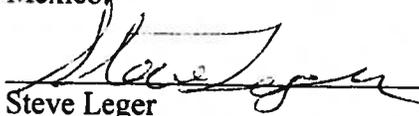
IN WITNESS THEREOF, I, Willie Sanchez, the testator, sign my name to this instrument this 2nd day of January, 2013 and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.



\_\_\_\_\_  
Willie Sanchez

**WITNESSES**

The foregoing instrument, consisting of three (3) pages, including this page, was signed in our presence by Willie Sanchez and declared by him to be his last Will. We, at the request and in the presence of him and in the presence of each other, have subscribed our names below as witnesses. We declare that we are of sound mind and of the proper age to witness a will, that to the best of our knowledge the testator is of the age of majority, or is otherwise legally competent to make a will, and appears of sound mind and under no undue influence or constraint. Under penalty of perjury, we declare these statements are true and correct on this 2nd day of January, 2013 at Las Vegas, State of New Mexico.

  
Steve Leger



**(New Mexico law allows a person to deposit their will with the District Court of the County in which they reside. The will is deposited in a sequestered file and cannot be accessed by anyone other than the person or his Personal Representative after his death. This procedure, though not mandatory, protects the person's will from destruction or theft or other loss as happens frequently when a will maker develops a disability which prevents him from protecting his will kept at home or in a bank, etc.)**

Date

Clerk of the District Court of San Miguel County, New Mexico  
496 West National Avenue  
Las Vegas, New Mexico 87701

Dear Sir/Madame:

Pursuant to Section 45-2-515, NMSA 1978 Comp., I hereby deposit with you my Last Will and Testament for safe keeping. Upon my death I authorize you to deliver my Last Will and Testament to \_\_\_\_\_ (name of Personal Representative and his address) \_\_\_\_\_ the person whom I have named as my Personal Representative.

Thank you.

Sincerely,

(name of testator and address)  
Las Vegas, New Mexico, 87701

---

January 2, 2013

Clerk of the District Court of San Miguel County, New Mexico  
496 West National Avenue  
Las Vegas, New Mexico 87701

Dear Sir/Madame:

Pursuant to Section 45-2-515, NMSA 1978 Comp., I hereby deposit with you my Last Will and Testament for safe keeping. Upon my death I authorize you to deliver my Last Will and Testament to Dolores Juanita Sanchez-Sena the person whom I have named as my Personal Representative, who resides at 1101 Grand Avenue, Las Vegas, New Mexico, 87701 or, is unable or unwilling to serve then to my alternate Personal Representative, Lawrence Anthony Sanchez, who resides at 2 Calle Seco, Española, New Mexico, 87701

Thank you.

Sincerely,

Willie Sanchez  
1101 Grand Avenue  
Las Vegas, New Mexico, 87701

cc: Dolores Sena  
Lawrence Sanchez

---

**CITY OF LAS VEGAS**  
1700 NORTH GRAND AVE.  
LAS VEGAS, NM 87701

T 505.454.1401  
F 505.425.7335  
LASVEGASNM.GOV  
VISITLASVEGASNM.COM

TONITA GURULÉ-GIRÓN  
MAYOR

DAVID ULIBARRI  
COUNCILOR, WARD 1

VINCE HOWELL  
COUNCILOR, WARD 2

BARBARA PEREA-CASEY  
COUNCILOR, WARD 3

DAVID L. ROMERO  
COUNCILOR, WARD 4

August 2, 2018

Dolores Sanchez-Sena  
Personal Representative/Executor  
of the Willie Sanchez Estate  
1101 Grand Avenue  
Las Vegas, NM 87701

Dear Ms. Sena:

This is to formally give you notice that the Planning and Zoning Commission on July 30, 2018 recommended approval of your application to re-zone the property located at 2023 - 8th Street, Las Vegas, New Mexico. The City Council will consider the Commissions' recommendation at their regular meeting to be held on August 15, 2018 at 6:00pm in the City Council Chambers, 1700 North Grand Avenue, Las Vegas, NM 87701.

Staff will initially present the item to the Council. At the end of the staff presentation, the Mayor will open the hearing. In all cases dealing with property issues, all persons, witnesses who wish to speak for or against the issue will have to be sworn in.

It is required that you or a representative be present at the hearing to answer any questions the Council have of your application. Failure to be present may result in your application being heard at a future meeting. Staff also encourages you to speak on your behalf when given the opportunity and if you choose, you may bring in other parties in support of your request.

If you have any questions, please feel free to contact me at (505) 426-3279.

Sincerely,



Maria D. Perea  
Planning & Zoning Coordinator

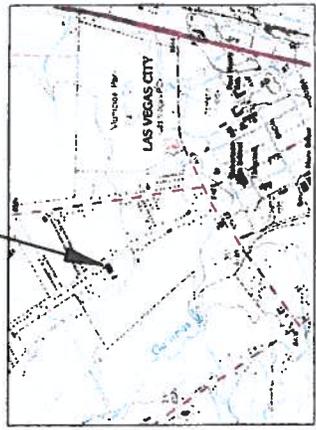
XC: Applicant File



**BOUNDARY SURVEY OF PROPERTY BELONGING NOW OR FORMERLY TO DR. WILLIE SANCHEZ, CITY OF LAS VEGAS, SAN MIGUEL COUNTY, NEW MEXICO, WITHIN THE LAS VEGAS LAND GRANT PROJECTED SECTION 15, TOWNSHIP 16 NORTH, RANGE 16 EAST, N.M.P.M.**

- LEGEND**
- property boundary line
  - - - approximate boundary of adjoining owners
  - hog wire fence
  - barbed wire fence
  - power pole, overhead power line
  - gas line (approx. location)
  - sewer line (approx. location)
  - water line (approx. location)
  - steel post in concrete
  - 1/2" rebar/cap set marked WINSTON PLS 6999
  - witness corner
  - clean out
  - gas meter
  - water meter
  - water valve

**SUBJECT PROPERTY**



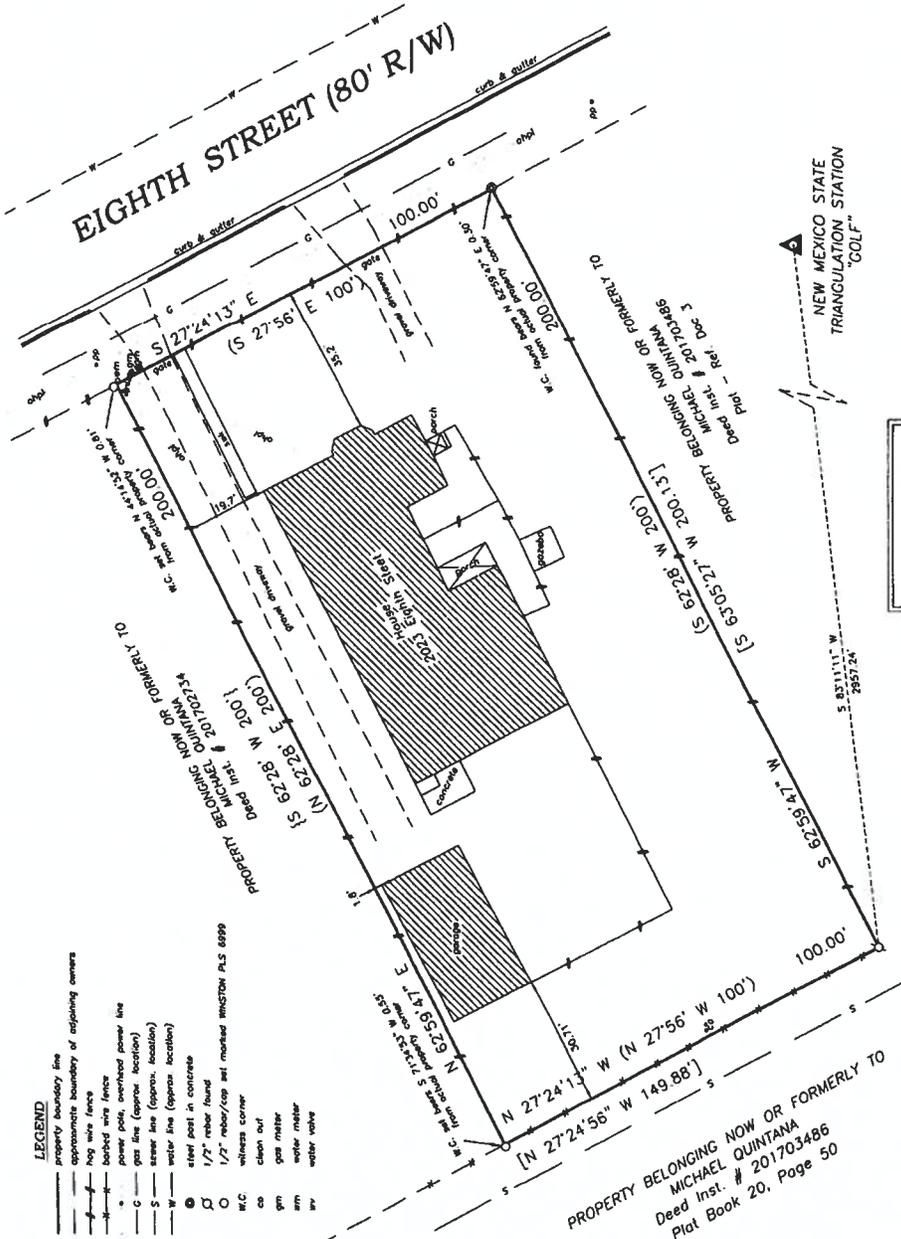
LOCATION MAP  
SCALE: 1"=2000'

**SURVEYOR'S NOTES**

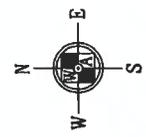
1. The purpose of this survey is to determine the boundaries of the property shown on the attached plat.
2. The survey was conducted on the day and date shown on the plat. The survey was conducted in accordance with the provisions of the Uniform Land Use System Act, N.M.S.A. 19-1-1, and the provisions of the Uniform Surveying Act, N.M.S.A. 19-1-2.
3. Bearings and to one inch based on GPS observations.
4. Bearings and to one inch based on GPS observations.
5. According to Edna Community Parcel No. 3504700780 the property shown herein does not lie within a Flood Hazard Area.
6. Unimproved utility lines are shown herein in their approximate locations as shown on the attached plat.
7. Line calls in parentheses ( ) are those as shown on Ref. Doc. 2. Line calls in brackets [ ] are those as shown on the deed list. #201702734.

**REFERENCE DOCUMENTS**

1. Inventory Book - Dr. Willie Sanchez and Julia Sanchez to Dr. Willie Sanchez recorded in Book 232, Page 3337, Office of the San Miguel County Clerk.
2. Survey of the property of Albert H. Bennett dated 9/12/1935.
3. Summary Plat - Division of Lands Survey prepared by Joe M. Sweeney dated Oct. 11, 1988, recorded in Plat Book 20, Page 50, San Miguel County Clerk.



**TOTAL AREA:**  
19,999.5 S.F.  
or 0.459 AC. ±



**SURVEYOR'S CERTIFICATION**

I, Edward G. Winston, Jr., a New Mexico Registered Professional Surveyor, certify that I conducted and am responsible for this survey and that the same was conducted in accordance with the provisions of the Uniform Land Use System Act, N.M.S.A. 19-1-1, and the provisions of the Uniform Surveying Act, N.M.S.A. 19-1-2, to the best of my knowledge and belief, and that this survey and plat meet the minimum standards for Land Surveying in New Mexico. I further certify that this is a Boundary Survey of existing tracts and that it is not a land division or subdivision as defined in the New Mexico Subdivision Act.

Edward G. Winston, Jr.  
DATE: 6/11/18



WINSTON & ASSOCIATES, LLC.  
LAND SURVEYING  
N.M.P.L.S. 6999

**INDEXING INFORMATION FOR COUNTY CLERK**

Record Owner: Dr. Willie Sanchez, W.D. BK. 232, Pg. 3337  
Section 15, Township 16 North, Range 16 East, N.M.P.M.  
(Projected into the Las Vegas Land Grant)  
Eighth Street Extension  
Uniform Parcel Code Number: 1-094-094-342-103

**BOUNDARY SURVEY**

DATE: May, 2018  
DRAWN BY: JPC  
REVIEWED BY:  
REMOVED BY:

**DOLORES SANCHEZ-SENA**

PREPARED FOR:  
PREPARED BY: WINSTON & ASSOCIATES, LLC.  
LAND SURVEYING  
P.O. BOX 1361  
LAS VEGAS, NEW MEXICO 87701  
PHONE: (505) 424-7711  
FAX: (505) 424-7711

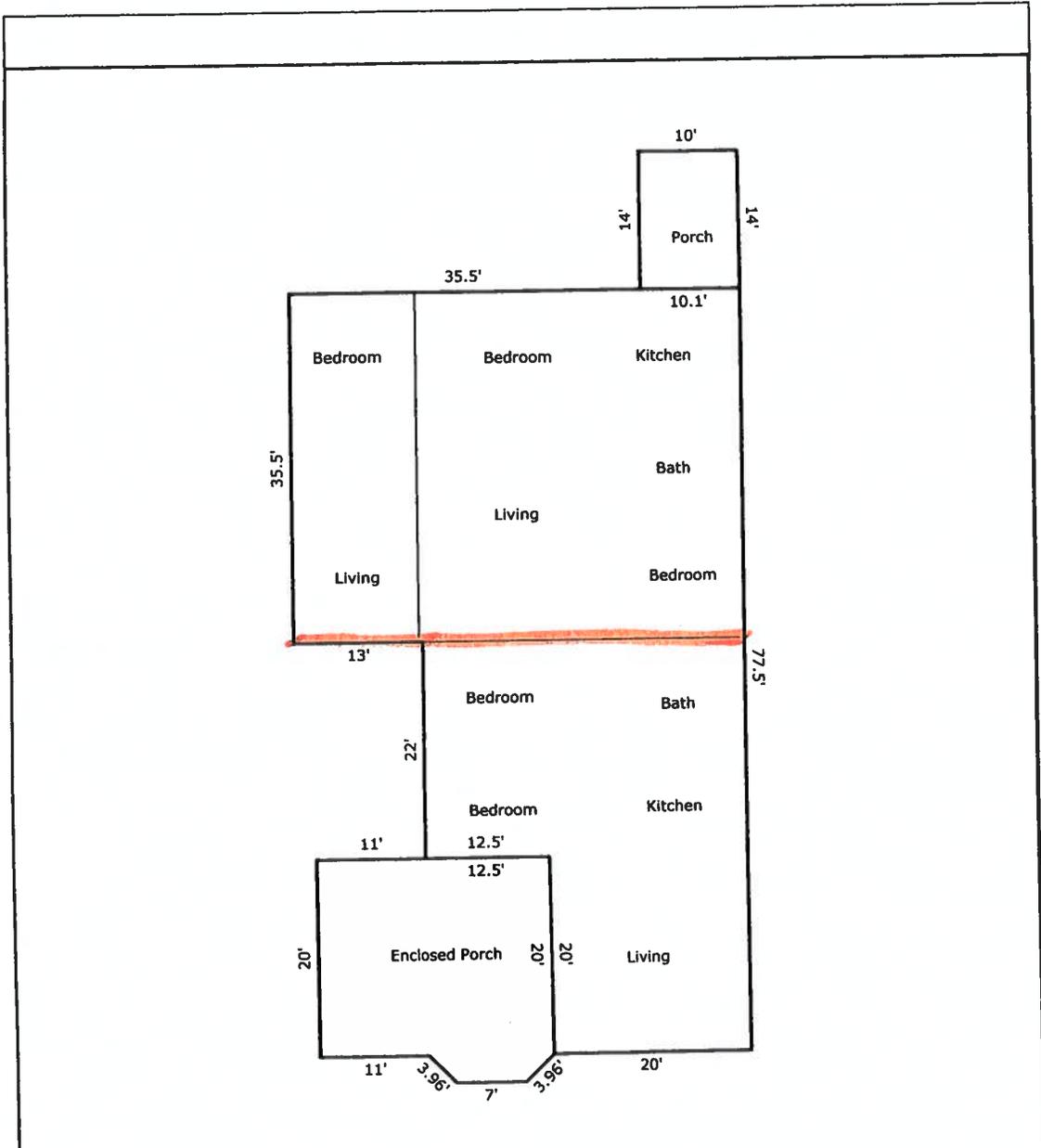
75/59  
FILED IN MY OFFICE AT 3:00 O'CLOCK P.M. DATE June 11, 2018  
COUNTY CLERK AND RECORDER SAN MIGUEL COUNTY  
BY: [Signature]  
OFFICIAL: [Signature]  
BOOK 75 PAGE 59

# Building Sketch

FORMS 1.115 (REV. 08/2014) 1.115

## EXHIBIT # 7

Client	Lorenzo Sanchez				
Property Address	2023 8th St				
City	Las Vegas	County	San Miguel	State	NM
Zip Code	87701				
Client	Lorenzo Sanchez				



TOTAL Sketch by a la mode, Inc.		Area Calculations Summary	
Living Area		Calculation Details	
First Floor	2737 Sq ft	$45.6 \times 35.5$	= 1618.8
		$32.6 \times 22$	= 717.2
		$20 \times 20$	= 400
		$0.5 \times 20 \times 0.1$	= 1
<b>Total Living Area (Rounded):</b>	<b>2737 Sq ft</b>		
<b>Non-Living Area</b>		$0.5 \times 2.8 \times 2.8$	= 3.92
Closed Porch	498.44 Sq ft	$0.5 \times 2.8 \times 2.8$	= 3.92
		$7 \times 2.8$	= 19.6
		$20 \times 23.5$	= 470
		$0.5 \times 20 \times 0.1$	= 1
Open Porch	140.7 Sq ft	$14 \times 10$	= 140
		$0.5 \times 14 \times 0.1$	= 0.7

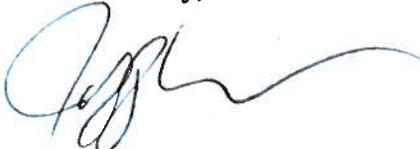
06/26/2018

Las Vegas P&Z

**Dear Las Vegas P&Z:**

I was asked to provide an appraisal on the property located at 2023 8<sup>th</sup> St in Las Vegas, NM. Upon discovery it was found that the property is a multi family (2 to 4 family use property). The current zoning is single family residential. In order for the owner to obtain lending on this property the use must be legally permissible. Being currently zoned as single family residential does not allow the current use. The zoning would need to be changed to allow for a more than 1 unit use.

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Jeff Weeks', with a long, sweeping horizontal line extending to the right.

**Jeff Weeks**

**APPLICATION FOR ZONE CHANGE** - - An Application for Zone Change from an R-1 (Single Family Residential Zone) to an R-2 (Multi- Family Residential Zone) for property located at 2023 – 8<sup>th</sup> Street, Las Vegas, NM 87701. Purpose of the zone change is to bring property into compliance with the current use, which is apartments

**APPLICANT(S):** Dolores Sanchez-Sena  
1101 Grand Avenue  
Las Vegas, NM 87701

1-094-094-342-193 - - A 0.46 acre ± parcel within T16n, R16e, Section 15  
Warranty Deed recorded on November 19, 1996, DB 235, Page 5337  
Last Will & Testament of Willie Sanchez, Dated January 2, 2013

**OWNER(S):** Dolores Sanchez-Sena, etals.  
1101 Grand Avenue  
Las Vegas, NM 87701

1. 1-094-094-332-204  
Michael Quintana  
2306 Collins Drive  
Las Vegas, NM 87701

2. 1-094-094-289-182  
Michael Quintana  
2306 Collins Drive  
Las Vegas, NM 87701

3. 1-094-094-334-152  
Sam & Clare Romero  
921 – 8<sup>th</sup> Street  
Las Vegas, NM 87701

4. 1-094-094-332-170  
Teresa B. Burger  
Revocable Trust  
14-B Rudolph Drive  
Las Vegas, NM 87701

5. 1-094-094-342-175  
John J. Seaton  
1857 – 8<sup>th</sup> Street, #102  
Las Vegas, NM 87701

6. 1-094-094-345-170  
Marshall E. Poole  
P. O. Box 970  
Las Vegas, NM 87701

7. 1-094-094-356-221  
Diana L. Waverly  
2034 – 8<sup>th</sup> Street  
Las Vegas, NM 87701

8. 1-094-094-359-215  
Robert & Rose Ann Ortiz  
2028 – 8<sup>th</sup> Street  
Las Vegas, NM 87701

9. 1-094-094-361-209  
James L. Atencio  
HC 69, Box 24A  
Rociada, NM 87742

10. 1-094-094-364-200  
Daisy N. Rice Trust Utd.  
794 Kathryn Drive  
Las Vegas, NM 87701

**APPLICATION FOR ZONE CHANGE - - An Application for Zone Change from an R-1 (Single Family Residential Zone) to an R-2 (Multi- Family Residential Zone) for property located at 2023 – 8<sup>th</sup> Street, Las Vegas, NM 87701. Purpose of the zone change is to bring property into compliance with the current use, which is apartments**

Dolores Sanchez-Sena

Page 2

- |  |   |
|--|---|
| 11. 1-094-094-371-186<br>Deborah A. Sena<br>2004 – 8 <sup>th</sup> Street<br>Las Vegas, NM 87701       | 12. 1-094-094-382-191<br>Oliver & Cynthia L’Esperance<br>755 Kathryn Drive<br>Las Vegas, NM 87701 |
| 13. 1-094-094-375-176<br>Michael R. & Patricia Z. Padilla<br>790 Eaton Place<br>Bosque Farms, NM 87068 |   |

**ONLY ONE (1) LETTER SENT** - - Both properties belong to Michael Quintana

Above list was compiled on July 5, 2018 as per September 30, 2015 Map/Parcel Data provided by the San Miguel County Assessor’s Office. List was verified at the San Miguel County Assessor’s Office against actual property cards on July 18, 2018 at approximately 10:00am and are current. List was completed and verified by Maria D. Perea, Planning & Zoning Coordinator for Community Development Department.

T16n, R16e, Section 15  
1-094-094

SCALE: 1" = 100'

315-219

324-213

① 332-204

342-193

289-182  
②

P-3  
④  
332-176  
P-2

⑤  
342-176  
345-176  
⑥

P-5  
P-4  
③  
334-152  
P-17

Parcel 1

210

530'

370

358-145  
196

⑦ 356-221

⑧ 359-215

⑨ 361-209

⑩ 364-200

KATHRYN DRIVE

373-214

KATHRYN AVENUE

⑪ 371-186

⑬ 375-176

⑫ 382-191

393-159

371-131

376-126

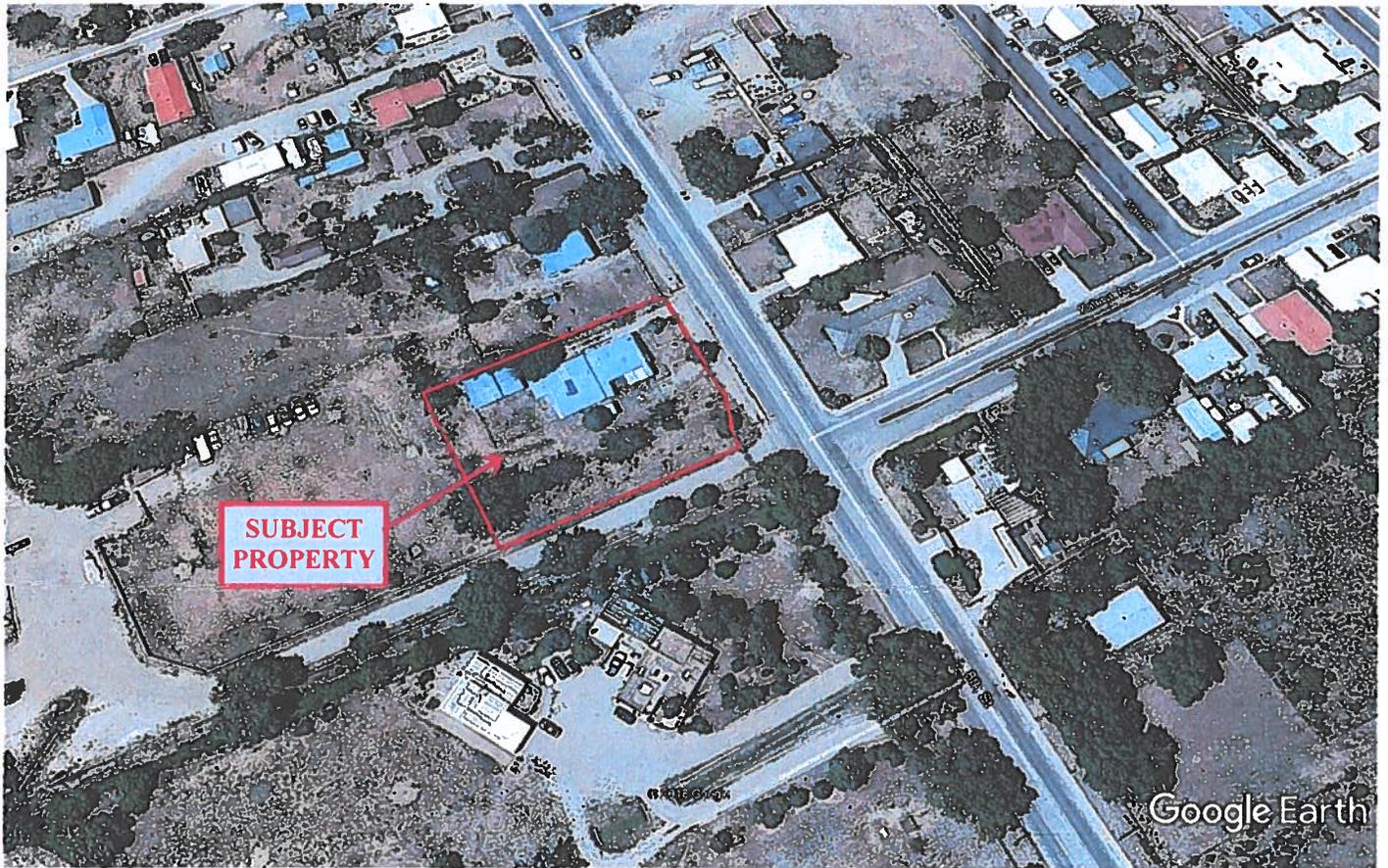
388-231

390-221

393

388-195

139



The Planning & Zoning Commission/ Board of Adjustment will hold a **PUBLIC HEARING** on Monday, July 30, 2018 at 4:00 pm, in the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico, to consider an application for a **ZONE CHANGE** from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential) for property located at 2023—8th Street, Las Vegas, NM 87701. The purpose of the Zone Change is to bring in subject property into compliance with the current use, which is multi-family use, which owners found out about when an appraisal was requested. Application was submitted by the Dolores Sanchez-Sena ( Personal Representative/Executor of the Willie Sanchez Estate). The legal description for this property is on file at Community Development Department, 1700 North Grand Avenue, Las Vegas, New Mexico 87701.

This letter is notifying you because you own property within 100 feet (excluding public right-of-way) of the proposed **ZONE CHANGE** request. You may appear at the hearing to enter your testimony in favor or in opposition to the requests. The applicant aggrieved by the decision of the Planning & Zoning Commission, may file a written notice of appeal.

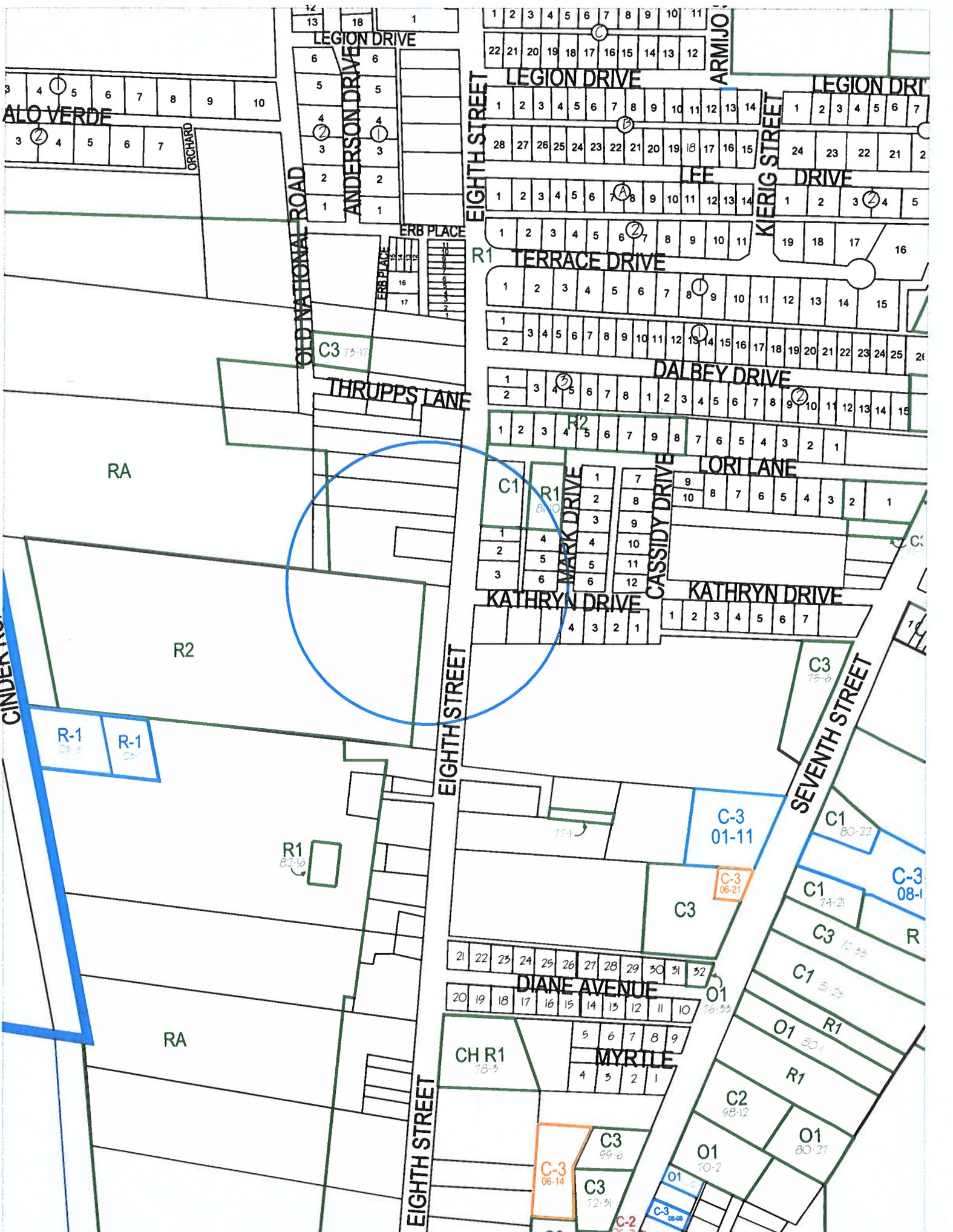
**If you require further information, please contact Maria D. Perea, Planning & Zoning Coordinator at (505) 454-1401, Ext. 3279.**

## **CITY OF LAS VEGAS**

**COMMUNITY DEVELOPMENT DEPARTMENT  
1700 NORTH GRAND AVENUE  
LAS VEGAS, NEW MEXICO 87701**

***'NOT TO SCALE'***





ALO VERDE

LEGION DRIVE

LEGION DRIVE

LEGION DRIVE

OLD NATIONAL ROAD

ANDERSON DRIVE

EIGHTH STREET

ARMJO

KERIG STREET

LEE DRIVE

LEE DRIVE

ERB PLACE

TERRACE DRIVE

THRUPPS LANE

DALBEY DRIVE

LORILANE

KATHRYN DRIVE

KATHRYN DRIVE

RA

R2

EIGHTH STREET

SEVENTH STREET

R-1

R-1

C-3  
01-11

C-3  
06-21

C1  
80-22

C1  
74-21

C-3  
08-1

R1  
82-16

C3

C3  
75-55

C1  
5-2

O1  
30-1

R1

O1  
80-27

DIANE AVENUE

CH R1  
78-5

MYRTLE

EIGHTH STREET

C-3  
06-14

C3  
99-6

C3  
72-31

O1  
70-2

C-2

C-3  
08-08



085880 2-IN  
1-094-094-342-193-  
WILLIE SANCHEZ, 2023 8TH STREET, LAS VEGAS, NM 87701

**PLANNING & ZONING COMMISSION****RECORD PROPER  
ZONE CHANGE APPLICATION**

**Applicant/Owner:** Dolores Sanchez Sena  
Personal Representative/Executor  
of the Willie Sanchez Estate

**Location:** 2023 – 8<sup>th</sup> Street.  
Las Vegas, NM 87701

**Date:** Monday, July 30, 2018

**ACTION REQUESTED:**

A recommendation for approval of a Zone Change from an R-1 (Single Family Residential Zone) to an R-2 (Multi Family Residential Zone) for the purpose of bring property located at 2023 – 8<sup>th</sup> Street, Las Vegas, NM into compliance with the current use as apartments.

**BACKGROUND:**

Applicant, Dolores Sanchez Sena (Personal Representative/Executor of the Willie Sanchez Estate) is requesting a Zone Change for property located at 2023 – 8<sup>th</sup> from an R-1 (Single Family Residential Zone) to an R-2 (Multi Family Residential Zone). The purpose of the zone change is to bring property into compliance with the current use, which is not allowed within the current zoning.

**EXHIBITS**

<b>Exhibit No.</b>	<b>Description (Document Name, date and number of pages)</b>
1	Zone Change Application, filed on June 25, 2018 - 1 page
2	Letter of Intent dated June 25, 2018 - 1 page
3	Warranty Deed recorded at the San Miguel County Clerk's Office on November 19, 1996, DB 235, Page 5337 - 3 pages
4	Copy of Las Will and Testament of Willie Sanchez - 5 pages
5	Notice of Public Meeting to Applicant, dated 04-16-18, 1 page
6	Boundary Survey of Subject Property, completed by Winston & Associates, Inc. in May 2018, and recorded at the San Miguel County Clerk's Office on June 11, 2018, PB 75, Page 59 - 1 page
7	Building Sketch - showing the apartment set-up - 1 page
8	Letter from Jeff Weeks (Appraiser) regarding reason for zone change, noting that property as it is zoned does not allow for the current use - 1 page

9	List of Property Owners within 100-feet of Subject Property given notice via certified mail, Assessor's Map of area around Subject Property, Vicinity Map sent to property owners and copy of Zoning Map of subject property, 5 pages
10	Aerial of area with Subject Property highlighted, 1 page
11	Copy of Notice published in the Las Vegas Daily Optic on Wednesday, April 18, 2018 - 1 page
12	Copy of Ordinance No. 18-06 requesting Zone Change along with copy of request for review by City Attorney (Not reviewed or approved) - 4 pages
13	P&Z Staff Report - 3 pages

## **FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION**

On July 30, 2018, the Las Vegas Planning and Zoning Commission considered an application submitted by the Dolores Sanchez Sena for an amendment to the City of Las Vegas Zoning Map. The proposed amendment would change the zoning of a 0.46 acre ± parcel within T16n, R16e, Section 15 (projected) from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone) for property located at 2023 8th Street, Las Vegas, New Mexico. The Commission having been presented with the record testimony hereby makes the following Findings of Fact, Conclusions of Law and Recommendation.

### **NOTICE**

Notice for the Public Hearing before the Planning and Zoning Commission was published in the Las Vegas Optic on July 18, 2018, faxed to area media on July 23, 2018, mailed via certified mail on July 18, 2018 to property owners within 100 feet, and notice was posted on the external boundaries of the property on July 19, 2018.

### **APPLICATION**

The applicant, Dolores Sanchez Sena, has applied for an amendment to the official zoning map of the City of Las Vegas. The application would change the zoning of a 0.46 acre ± parcel within T16n, R16e, Section 15 (projected) from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone) for property located at 2023 8th Street, Las Vegas, New Mexico. The re-zone would bring property which is currently being utilized as apartments into compliance with City Ordinances. Ms. Sena is in the process of purchasing property from the rest of the family and cannot obtain financing as it is currently zoned.

### **LAND HISTORY**

The property currently has a building on it, which is utilized as apartments. There is also a garage on the back of the property.

### **TESTIMONY**

Ms. Sanchez-Sena has stated in the application that the request is being made to bring property into compliance with City ordinances with the current use as apartments. She also advised that her father was the one that separated the house into apartments as the house was too big for one person. It has been two apartments for some time. Applicant cannot obtain funding to purchase the property under its current zone.

Mr. Marshall Poole, resident within the 100-foot radius of subject property, was present at the meeting, and after hearing testimony, advised that he was for the zone change.

### **COMMISSION'S RECOMMENDATION**

Based upon the Findings of Fact, the Commission made the following recommendation:

1. Motion was made to recommend approval of the amendment to the Zoning Map.

## **CONCLUSION OF LAW AND DECISION**

Based upon the above findings of fact, the Commission makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to § 450-104 of the Las Vegas Municipal Code was provided.
2. The Zoning Map amendment is in accordance with the Las Vegas Comprehensive Plan.
3. The Commission recommends to the City Council that the proposed Zone Change amendment be approved for a zone change from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone).

Signed this \_\_\_\_ day of \_\_\_\_\_, 2018

---

Mack Crow, Chairperson  
Planning & Zoning Commission

**CITY OF LAS VEGAS, CITY COUNCIL  
ORDINANCE NO. 18-06**

**AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-1 (SINGLE FAMILY RESIDENTIAL ZONE) TO AN R-2 (MULTI-FAMILY RESIDENTIAL ZONE) FOR PROPERTY IS LOCATED AT 2023 – 8<sup>TH</sup> STREET, LAS VEGAS, NEW MEXICO 87701 AS REQUESTED BY DOLORES SANCHEZ-SENA, PERSONAL REPRESENTATIVE/ EXECUTOR OF THE WILLIE SANCHEZ ESTATE.**

**WHEREAS**, Dolores Sanchez-Sena has applied for an amendment to the official zoning map for property located at 2023 – 8<sup>th</sup> Street, pursuant to provisions of the Las Vegas City Zoning Ordinance, and;

**WHEREAS**, on July 30, 2018, 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 property located at 2023 – 8<sup>th</sup> Street an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone), and on July 30, 2018 adopted a motion recommending approval of the proposed amendment.

**WHEREAS**, on August \_\_\_, 2018, 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 2023 – 8<sup>th</sup> Street from an R-1 (Single Family Residential Zone) to an R-2 (Multi-Family Residential Zone), and more fully described as follows:

A parcel 0.46 acres ± in size as per Boundary Survey No. 018-085 completed in May 2018 by Winston & Associates, LLC and recorded at the San Miguel County Clerk's Office on June 11, 2018, Plat Book 75, Page 59 (document # 002941). A copy of boundary survey is attached.

**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.

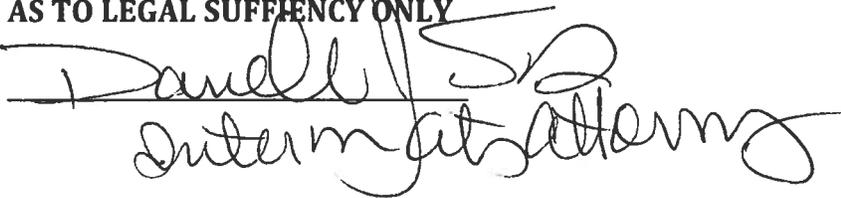
**PASSED, APPROVED AND ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**ATTEST:**

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

\_\_\_\_\_  
Tonita Gurule-Giron, Mayor

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

  
\_\_\_\_\_  
Interim Attorney





**City Manager & City Attorney's Office  
Review and Approval Form**

**Date Submitted:** July 26, 2018

**Department Submitting and Person:** Community Development/Maria D. Perea

**I am in receipt of the document for review titled:** Ordinance #18-06

**Amount of Pages to be reviewed:** 3 pages

**Upon Completion of review please:** Contact Maria Perea @ Ext. 3279

**Urgency:**     **High Priority**     **Medium Priority**     **Low Priority**

**Deadline:** As soon as possible

**Comments:** \_\_\_\_\_

**Approved / Disapproved:**    **Summary Included:** Yes / No

*see emailed Maria*

*Danelle Smith*  
Danelle Smith, City Attorney

7-31-18  
Date

**Approved / Disapproved:**

\_\_\_\_\_  
Anne M. Gallegos, Interim City Manager

\_\_\_\_\_  
Date

**Date Documents Picked Up:** \_\_\_\_\_

**By:** \_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

**Regular or Special**  
**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 08-10-2018**  
**08-15-2018**

**DEPT: Community Development**

**MEETING DATE:**

**ITEM/TOPIC:**

Authorization for sale of City Owned Property as per attached legal description and plat, and known as a portion of Transportation Department Property located at 500 Railroad Avenue and City Right-of-Way on the east side of Railroad Avenue, between Lincoln Avenue and Douglas Avenue to Mr. Allan Affeldt, owner of Castaneda Hotel.

**ACTION REQUESTED OF COUNCIL:**

Approval or Disapproval of Resolution 18-34, repealing and replacing Resolution 18-13 to include, authorizing the sale of City Owned Property as per attached legal description and plat, and known as a portion of Transportation Department Property located at 500 Railroad Avenue to Mr. Allan Affeldt, owner of Castaneda Hotel.

**BACKGROUND/RATIONALE:**

Allan Affeldt, owner of Castaneda Hotel, has expressed interest in purchasing a portion of Transportation Department property located at 500 Railroad Avenue, to utilize the area to complete their parking lot. When the survey was completed for Castaneda property, parking stalls did not fit.

Allan Affeldt, owner of Castaneda Hotel, has expressed interest in purchasing a 0.20 ± acre parcel on City Right-of-Way on the east side of Railroad Avenue, between Lincoln Avenue and Douglas Avenue, to utilize the area as angle parking for the Castaneda Hotel when renovations are complete.

**STAFF RECOMMENDATION:**

Consideration by Mayor and Council

**COMMITTEE RECOMMENDATION:**

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

  
SUMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



TONITA GURULE-GIRON  
MAYOR

\_\_\_\_\_  
TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)



ANN MARIE GALLEGOS  
INTERIM CITY MANAGER  
ORDINANCES

\_\_\_\_\_  
CITY ATTORNEY  
(ALL CONTRACTS,

AND RESOLUTIONS MUST BE  
REVIEWED)

**CITY OF LAS VEGAS  
CITY COUNCIL  
RESOLUTION NO. 18-34**

**A RESOLUTION, REPEALING AND REPLACING RESOLUTION 18-13 TO INCLUDE, AUTHORIZING THE SALE OF CITY OWNED PROPERTY DESCRIBED AS PER ATTACHED LEGAL DESCRIPTION AND PLAT, AND KNOWN AS A PORTION OF TRANSPORTATION PROPERTY LOCATED AT 500 RAILROAD AVENUE, LAS VEGAS, NEW MEXICO TO MR. ALLAN AFFELDT, OWNER OF THE CASTANEDA HOTEL.**

**WHEREAS**, the City of Las Vegas, New Mexico is the record owner of Transportation Department property located at 500 Railroad Avenue; and

**WHEREAS**, Mr. Allan Affeldt, owner of the Castaneda Hotel desires to purchase a portion of Transportation Department property located at 500 Railroad Avenue to complete the parking lot at the Castaneda Hotel; and

**WHEREAS**, pursuant to Section 3-54-1A, NMSA 1978; and to Resolution No. 06-08 approved on February 15, 2006, the City Council and the City of Las Vegas desires to sell this parcel of land as is; and

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

1. The Mayor of the City of Las Vegas is authorized to sign the Purchase Agreement with Mr. Allan Affeldt, owner of Castaneda Hotel, for the following described parcel of land:

See Preliminary Plat # 018-101 which is attached.

2. Mr. Allan Affeldt, owner of Castaneda Hotel, has already taken care of obtaining a survey of the property.
3. The City of Las Vegas will be responsible for obtaining an appraisal for above property prior to actual sale of property.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

---

Tonita Gurule-Giron, Mayor

**ATTEST:**

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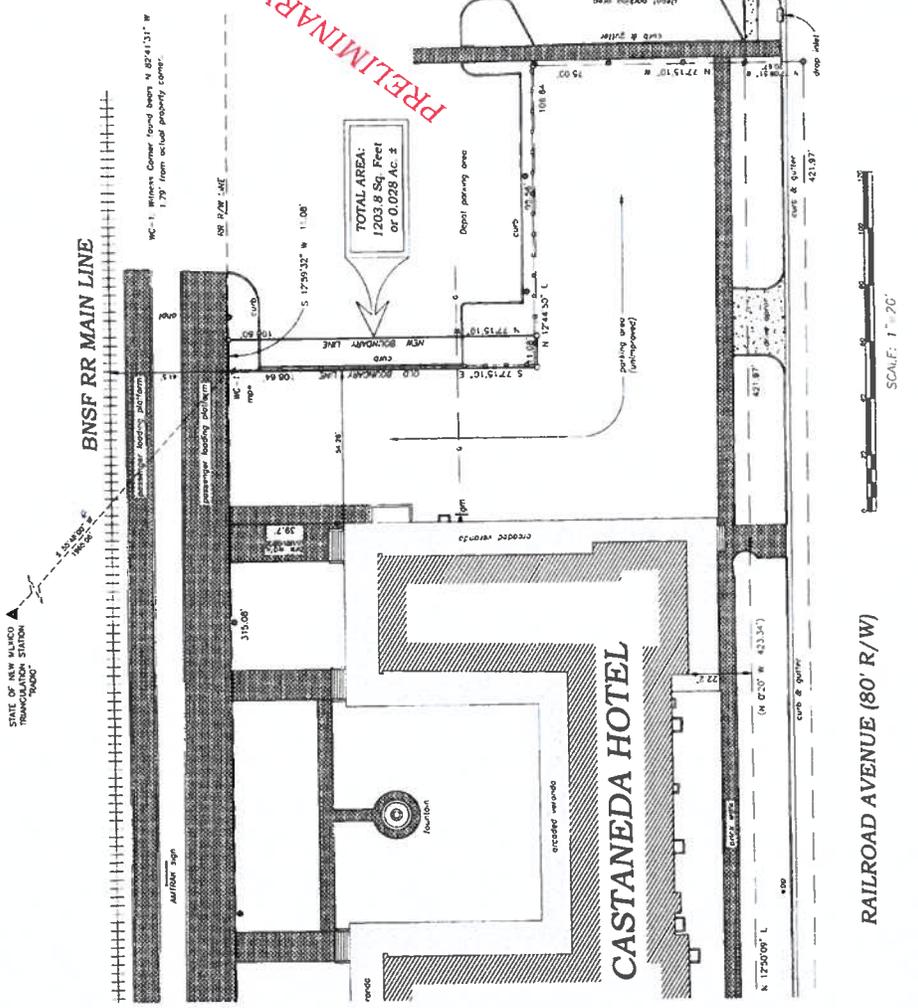
Casandra Fresquez, City Clerk

**REVIEWED AND APPROVED BY:**

---

Danelle Smith, City Attorney

**BOUNDARY LINE ADJUSTMENT BETWEEN THE RAILROAD DEPOT AND THE CASTANEDA HOTEL  
WITHIN THE CITY OF LAS VEGAS, SAN MIGUEL COUNTY, NEW MEXICO, AND LYING WITHIN  
THE LAS VEGAS LAND GRANT, PROJECTED SECTION 23, TOWNSHIP 16 NORTH, RANGE 16 EAST, N.M.P.M.**



- LEGEND**
- existing boundary line
  - proposed boundary of adjoining owners
  - power pole, overhead power line
  - wrought iron fence
  - chain-link fence
  - 5/8" rebar found
  - 1/2" rebar cap found marked WNS/CH PLS 12451
  - 1/2" rebar cap not marked WNS/CH PLS 8999
  - apparent location of gas line
  - apparent location of water line
  - light pole
  - gas meter
  - 6" water main
  - 4" sewer main
  - 4" water valve
  - meter pole



**PRELIMINARY**

FILED IN MY OFFICE  
DATE \_\_\_\_\_ O'CLOCK \_\_\_\_\_  
BY \_\_\_\_\_  
COUNTY CLERK RECORDER  
SAN MIGUEL COUNTY  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**INDEXING INFORMATION FOR COUNTY CLERK**

Record Owner: CITY OF LAS VEGAS, N.M. 89102  
Section 23, Township 16 North, Range 16 East, N.M.P.M.  
(Comparted into the Las Vegas Land Grant)

**BOUNDARY SURVEY**

DIST: N.M. 219  
RECORD NO. \_\_\_\_\_  
RECORD BY \_\_\_\_\_

**CITY OF LAS VEGAS**

Prepared by: WINSTON & ASSOCIATES, I.L.C.  
1400 SOUTH LAS VEGAS AVENUE, SUITE 200  
LAS VEGAS, N.M. 89102  
PHONE: (703) 425-2777

Page # 1  
018-101

**DISCLAIMER**

I, Edward C. Winston, Jr., a New Mexico Registered Land Surveyor, certify that I performed the survey shown on this plat and that I am a duly qualified and licensed land surveyor in the State of New Mexico. My commission expires on 12/31/2014. I am not responsible for the accuracy of the information shown on this plat unless I have personally conducted the survey or have supervised the survey and am responsible for the accuracy of the information shown on this plat. I am not responsible for the accuracy of the information shown on this plat unless I have personally conducted the survey or have supervised the survey and am responsible for the accuracy of the information shown on this plat.

Edward C. Winston, Jr.  
N.M.P.L.S. 8993



**CITY OF LAS VEGAS**  
**CITY COUNCIL**  
**RESOLUTION NO. 18-13**

**A RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY DESCRIBED AS PER ATTACHED LEGAL DESCRIPTION AND PLAT, AND KNOWN AS CITY RIGHT-OF-WAY ON THE EAST SIDE OF RAILROAD AVENUE, BETWEEN LINCOLN AVENUE AND DOUGLAS AVENUE, LAS VEGAS, NEW MEXICO TO MR. ALLAN AFFELDT, OWNER OF THE CASTANEDA HOTEL.**

**WHEREAS**, the City of Las Vegas, New Mexico is the record owner of certain Right-of-Way property on Railroad Avenue; and

**WHEREAS**, Mr. Allan Affeldt, owner of the Castaneda Hotel desires to purchase a portion of Right-of-Way along the east side of Railroad Avenue to serve as angle parking for the Castaneda Hotel.

**WHEREAS**, pursuant to Section 3-54-1A, NMSA 1978; and to Resolution No. 06-08 approved on February 15, 2006, the City Council of the City of Las Vegas desires to sell this parcel of land as is; and

**NOW THEREFORE**, the City Council, the governing body of the City of Las Vegas, New Mexico hereby resolves that:

1. Subject to the provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08, the Mayor of the City of Las Vegas is authorized to sign the Purchase Agreement with Mr. Allan Affeldt, owner of the Castaneda Hotel, for the following described parcel of land:

A parcel of land being a portion of the R/W of Railroad Avenue adjacent to that property shown on Winston & Assoc., LLC. Plat # 017-192, recorded in Plat Book 74, Page 87 in the Office of the San Miguel County Clerk. Said parcel being located within the City of Las Vegas, San Miguel County, New Mexico, and lying within the Las Vegas Land Grant, projected Section 23, Township 16 North, Range 16 East, N.M.P.M. Said parcel being more particularly described as follows:

Beginning at the New Mexico State "RADIO" Triangulation Station, thence S 62°51'26" E a distance of 1747.72 feet to the NE'ly most corner of said property shown on plat # 017-192. Thence N 77°10'26" W a distance of 183.50 feet to the NE'ly most corner and **TRUE POINT OF BEGINNING** of this parcel. Said NE'ly most corner being located along the E'ly R/W line of Railroad Avenue. Thence along said E'ly R/W line S 12°50'09" W a distance of 421.97 feet to the SE'ly most corner of this parcel. Thence leaving said E'ly R/W line N 77°09'55" W a distance of 20.67 feet to the SW'ly most corner of this parcel. Thence N 12°50'09" E a distance of 421.97 feet to the NW'ly most

corner of this parcel. Thence S 77°09'55" E a distance of 20.67 feet to the **True Point of Beginning** of this parcel.

Said parcel contains 0.200 acres more or less.

A copy of Preliminary Plat # 018-017 is attached.

2. Mr. Allan Affeldt, owner of the Castaneda Hotel, has already taken care of obtaining a survey of the property.
3. The City of Las Vegas will be responsible for obtaining an appraisal for above property prior to actual sale of property.
4. After the appraisal, should the Property which is the subject of this Resolution be valued in excess of Twenty-Five Thousand Dollars (\$25,000), then this sale shall be approved by Ordinance which shall be subject to the negative referendum provisions of Section 3-54-1A, NMSA 1978 and Resolution No. 06-08.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Tonita Gurulé-Girón, Mayor

**ATTEST:**

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

**REVIEWED AND APPROVED BY:**

\_\_\_\_\_  
Danelle Smith, City Attorney

**CITY COUNCIL MEETING AGENDA REQUEST**

**DATE: 08/06/18 DEPT: Public Works MEETING DATE: 08/15/18**

**ITEM/TOPIC:** A resolution authorizing acceptance of Grant offers from the Federal Aviation Administration and the New Mexico Department of Transportation Aviation Division for a project at the Las Vegas Municipal Airport. The project shall consist of the Precision Approach Path Indicator (PAPI) Installation AIP 3-35-0025-14, for the Las Vegas Municipal Airport.

**ACTION REQUESTED OF COUNCIL:** Approval / Disapproval of Resolution No. 18-35.

**BACKGROUND/RATIONALE:** As part of the Aviation Division Grant Agreement criteria for the Federal Aviation Administration (FAA) program, a Resolution of Support is required from the local governing body assuring sponsor matching funds and authorization to accept the grant. In complying with the criteria, staff is requesting that this Resolution be approved for the installation of the PAPI.

**STAFF RECOMMENDATION:** Approval of Resolution No. 18-35.

**COMMITTEE RECOMMENDATION:** N/A

**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:**

  
TONITA GURULE-GIRON  
MAYOR

  
ANN MARIE GALLEGOS,  
INERIM CITY MANAGER

\_\_\_\_\_  
TANA VEGA  
INTERIM FINANCE DIRECTOR  
(PROCUREMENT)

\_\_\_\_\_  
PURCHASING AGENT

\_\_\_\_\_  
CITY ATTORNEY  
(ALL CONTRACTS MUST BE  
REVIEWED)

**CITY OF LAS VEGAS, NM  
RESOLUTION NO. 18-35**

A resolution authorizing acceptance of Grant offers from the Federal Aviation Administration and the New Mexico Department of Transportation Aviation Division for a project at the Las Vegas Municipal Airport. The project shall consist of the Precision Approach Path Indicator (PAPI) Installation AIP 3-35-0025-14, for the Las Vegas Municipal Airport.

**WHEREAS;** the governing body of the City of Las Vegas, New Mexico is applying to the Federal Aviation Administration for 90.0% assistance toward the project through the Airport Improvement Program (AIP) which FAA commitment cannot be formally made until a grant offer is made and accepted;

**WHEREAS;** the governing body of the City of Las Vegas, New Mexico is applying to the New Mexico Department of Transportation Aviation Division (NMDOT AD) for approximately 5.0% assistance toward the project to assist in the non-FAA commitment to the Project which the NMDOT AD commitment cannot be formally made until a grant offer is made and accepted;

**WHEREAS;** the project is within the City of Las Vegas jurisdiction, and is necessary for the public good and convenience and is to serve the users of the Las Vegas Municipal Airport and;

**WHEREAS;** the City of Las Vegas is committed to appropriating funds to match the remaining 5% of the project cost in accordance and consistent with the regulations and policies governing the FAA-AIP program and;

**NOW THEREFORE, BE IT RESOLVED;** that the governing body of the City of Las Vegas hereby adopts and approves this resolution and authorizes the Mayor of the City of Las Vegas to execute all documents related to the project and direct staff to take actions necessary to implement and fund this resolution and project.

**PASSED, APPROVED, AND ADOPTED THIS \_\_\_ DAY OF AUGUST, 2018**

**CITY OF LAS VEGAS**

\_\_\_\_\_  
Mayor

**ATTEST:**

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



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

## **FAA Form 5100-100, Application for Federal Assistance (Development and Equipment Projects)**

### **Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 28 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200; no assurance of confidentiality is provided. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

### **INSTRUCTIONS FOR FORM 5100-100**

#### **PART I – Application for Federal Assistance**

Part I of the Application for Federal Assistance consists of a completed Standard Form (SF) 424. The remaining parts of Form 5100-100 (Parts II, III and IV) represent continuation pages that the Sponsor must attach to the associated SF-424 form. The signature of the Sponsor's authorized representative on the SF-424 form represents acceptance of the representations and certifications made within the corresponding FAA 5100-100 form.

#### **PART II – Project Approval Information**

This information is necessary for the Federal Aviation Administration to evaluate this request for Federal assistance. Responses do not require an explanation unless explicitly requested by the question.

##### **SECTION A. STATUTORY CONDITIONS**

**Item 1** – Indicate whether the Sponsor maintains an active registration in the Federal System for Award Management (SAM). Pursuant to 2 CFR §25.200(b), a Sponsor must maintain an active registration in the Central Contractor Registration repository (housed within SAM) with current information at the time of the application and during the active period of the Federal award.

**Item 2** – Indicate whether the Sponsor can commence the project within the same fiscal year the grant is made or within 6 months of when the grant is made, whichever is later. Attach explanation for negative responses. This information is considered when allocating discretionary funds. (49 U.S.C. § 47115(d)(2))

**Item 3** – Indicate whether the Sponsor can complete the project without unreasonable delays. If applicable, provide listing of foreseeable events (winter shutdown, land acquisition issues, non-aeronautical events, etc.) that have potential to delay completion of the project. (49 USC § 47106(a))

**Item 4** – Indicate whether the environmental review (i.e. environmental assessment, mitigated FONSI, etc.) identified impacts or effects on the environment that require mitigating measures that lessen the impact or effect on the environment. If yes, provide a summary listing of mitigating measures. (49 U.S.C. § 47106(c))

**Item 5** – Indicate whether the project covered by this request is also covered by an approved Passenger Facility Charge (PFC) application or other Federal assistance program by selecting all applicable check boxes (49 U.S.C. § 40117(d) and 2 CFR § 200.403). If the approved PFC application only addresses the Sponsor's AIP matching share, select the appropriate check box.

If the project, or portions thereof, is covered by another Federal assistance program, identify the Federal assistance program by name and the Catalog of Federal Domestic Assistance (CFDA) number.

**Item 6** – Indicate whether the Sponsor intends to seek reimbursement of Sponsor indirect costs as defined by 2 CFR §200.414 and 2 CFR Appendix VII to Part 200. This information request **does not** include the indirect costs claimed by a for-profit entity (e.g. consultant).

- The de minimis rate may only be used if the Sponsor has not previously received a negotiated Indirect Cost Rate (ICR) and does not exceed the limitations prescribed in Appendix VII to Part 200.
- A Sponsor with an existing approved negotiated ICR must identify the ICR value, the name of the cognizant agency that approved the ICR and the date of approval.

*Limitations of use: Per policy, Sponsor's may only apply an approved ICR to allowable direct salary expenses that are reasonable and necessary to carry-out the project.*

## **SECTION B. CERTIFICATION REGARDING LOBBYING**

This section addresses the Sponsor's declaration regarding lobbying activities. The declaration made in the section are under signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached.

Title 31 U.S.C. § 1352 establishes that no appropriated funds may be expended by a recipient of a Federal grant to pay any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this covered Federal assistance action. Pursuant to 40 CFR part 20, this certification attests that the Sponsor has not made, and will not make, any payment prohibited payment by 31 U.S.C. § 1352.

### SECTION C. REPRESENTATIONS AND CERTIFICATION

1. **Compatible Land Use** (49 U.S.C. § 47107(a)(10)) – Identify actions the Sponsor has taken to assure land uses in close proximity to the airport are compatible with normal airport operations.
2. **Defaults** – Confirm that Sponsor is not in default on any obligation to the United States or any agency of the United States government.
3. **Possible Disabilities** – Confirm that Sponsor has no facts or circumstances (i.e. legal, financial or otherwise) that might adversely affect the Sponsor in completing the project and carrying out the provisions of the associated Grant Assurances.
4. **Consistency with Local Plans** (49 U.S.C. § 47106(a)) – Confirm project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan.
5. **Consideration of Local Interests** (49 U.S.C. § 47106(b)) – Confirm the Sponsor has given fair consideration to the community in and near the project.
6. **Consultation with Users** (49 U.S.C. § 47105(a)) - Confirm the Sponsor has consulted with airport users that will be affected by the project.
7. **Public Hearings** (49 U.S.C. § 47106(c)) – For projects involving the location of an airport, runway or major runway extension, confirm the Sponsor:
  - a. Provided an opportunity for a public hearing to consider economic, social and environmental effects of the project.
  - b. Has voting representation from the communities in which the project is located; or has advised the communities that they have the right to petition the Secretary about the proposed project.
8. **Air and Water Quality Standards** - Confirm Sponsor will comply with applicable air and water quality standards.
9. **Exclusive Rights** (49 U.S.C. § 47107(a)) – Identify all instances of exclusive rights to conduct aeronautical services at the airport.
10. **Land (49 U.S.C. § 47106(b))** –
  - a. Identify property interests specific to the development project and/or land acquisition. The declaration of property interest is to be based upon a title opinion submitted by an attorney. When identifying the property interest, use the same parcel numbers as used to identify the property on the associated Exhibit A property map.  
*Example: "Sponsor maintains property interest as depicted within the property table on the Exhibit A property map dated \_\_/\_\_/\_\_ originally filed with AIP Project ###."*
  - b. Complete this subpart if the Sponsor proposes a project for which they have not yet obtained appropriate property interests. Note that the work may not commence until Sponsor obtains acceptable property interests. Identify such property by parcel number that corresponds to the associated Exhibit A property map.
  - c. Complete this subpart when acquiring property interests under the grant. Identify such property by parcel number that corresponds to the associated Exhibit A property map.

## **PART III – Budget Information**

### **SECTION A. GENERAL**

**1. Federal Domestic Assistance Catalog Number** - Show the Federal Domestic Assistance Catalog Number from which the assistance is requested.

**2. Functional or Other Breakout:** Indicate "Airport Improvement Program". Prepare a separate set of Part III forms for other Federal program categories.

### **SECTION B. CALCULATION OF FEDERAL GRANT**

When applying for a new grant, use the Total Amount Column only. Use all columns when requesting revisions of previously awarded amounts.

**Line 1** - Enter amounts needed for administration expenses, which may include such items as: legal fees, mailing/shipping expenses, audit fees and documented Sponsor employee time that is necessary to administer the grant.

**Line 2** - Enter amounts pertaining to allowable preliminary expenses. These include such expenses as independent fee estimate preparation, advertising expenses and permits.

**Line 3** - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

**Line 4** - Enter fees for architectural engineering basic services.

**Line 5** - Enter amounts for architectural engineering special services (e.g. surveys, tests and borings).

**Line 6** - Enter fees for inspection, testing and monitoring of construction and related programs.

**Line 7** - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on line 11.

**Line 8** - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

**Line 9** - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns, and non-profit organizations for moving expenses and replacement housing.

**Line 10** - Enter the cost of demolition or removal of improvements on developed land. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

**Line 11** - Enter amounts for the actual construction of, addition to or restoration of a facility. Include in this category the amounts of project improvements such as grading, drainage, paving, marking, lighting, buildings, seeding/sodding, etc.

**Line 12** - Enter amounts for equipment. Examples include ARFF vehicles, SRE equipment, AWOS equipment, interactive training, NAVAID equipment, etc.)

**Line 13** - Enter miscellaneous amounts for items not specifically covered by previous categories.

**Line 14** - Enter the sum of Lines 1-13.

**Line 15** - Enter the estimated amount of program income that will be earned during the grant period and applied to the program. Examples include vehicle trade-in value, sale of millings resulting from project, credits passed on from contractor, etc. This line may be used to indicate applied liquidated damages.

**Line 16** - Enter the difference between Line 14 and Line 15.

**Line 17** - Enter the aggregate amount for those items, which are a part of the project but not subject to Federal participation. Refer to Section C, exclusions.

**Line 18** - Enter the subtotal sum of Lines 16 and 17. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

**Line 19** - Indicate the total amount of the Federal assistance requested. This value is determined by multiplying the grant participation rate by the amount indicated in line 18.

**Line 20** - Indicate the amount of the Grantee's share (from Section D).

**Line 21** - Indicate the amount of other shares (from Section D)

**Line 22** - Indicate sum of Lines 19, 20 and 21.

#### **SECTION C. EXCLUSIONS**

**Line 23 a-g** - Identify and list those costs which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B.

#### **SECTION D. PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE**

**Line 24 a-g** - Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E - Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a non-cash contribution, explain what this contribution will consist of.

**Line 24h** - Indicate total of Lines 24 a-g. This amount must equal the amount in Section B, Line 20.

**Line 25a** - Show the amount that will be contributed by a State or state agency, only if the applicant is not a State or state agency. If there is a non-cash or other contribution, explain what the contribution will consist of under Section E - Remarks.

**Line 25b** - Show the amount that will be contributed from other sources. If there is a non-cash contribution, explain what the contribution will consist of under Section E - Remarks.

**Line 25c** - Show the total of Lines 25a and 25b. This amount must be the same as the amount shown in Section B, Line 21.

**Line 26** - Enter the totals of Lines 24h and 25c.

#### **SECTION E. OTHER REMARKS**

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

## **PART IV – Program Narrative**

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

### **1. OBJECTIVES AND NEED FOR THIS ASSISTANCE**

Provide a short and concise description of the proposed improvement. Include a narrative on why this improvement is needed.

### **2. RESULTS OR BENEFITS EXPECTED**

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

### **3. APPROACH**

- a. Outline a plan of action pertaining to the scope and detail of how the Sponsor proposes to accomplish the work.
- b. Cite factors, which might accelerate or decelerate the work, and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as construction approach, reductions in cost or time or extraordinary social and community involvements.
- c. Provide projections of project milestone dates. As a minimum, identify target dates for defining project costs (i.e. bid opening or completion of negotiations), anticipated issuance of notice-to-proceed and anticipated project completion date.
- d. Identify monitoring and oversight mechanisms the Sponsor proposes to implement.
- e. List key individuals and entities such as consultant, Sponsor personnel and contractor who will work on the project. Provide a short description of the nature of their effort or contribution.

### **4. GEOGRAPHIC LOCATION**

Identify location of the project. This will typically be the name of the airport.

### **5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:**

- a. Describe the relationship between this project and other work planned, anticipated or underway under the Federal Assistance listed under Part II, Section A, Item 5.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope, budget, or objectives have changed or an extension of time is necessary, explain the circumstances and justify.

### **6. SPONSOR'S REPRESENTATIVE**

Identify contact information of Sponsor's representative.



**PART II - SECTION B**

**Certification Regarding Lobbying**

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**PART II – SECTION C**

The Sponsor hereby represents and certifies as follows:

**1. Compatible Land Use** – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

Air Space Zoning

**2. Defaults** – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

Not in default

**3. Possible Disabilities** – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

**4. Consistency with Local Plans** – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Project is consistent with existing plans.

**5. Consideration of Local Interest** – It has given fair consideration to the interest of communities in or near where the project may be located.

Yes..

**6. Consultation with Users** – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

Yes

**7. Public Hearings** – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

N/A

**8. Air and Water Quality Standards** – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

N/A

**PART II – SECTION C (Continued)**

**9. Exclusive Rights** – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

No exclusive rights exist.

**10. Land** – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

Fee simple with no encumbrances, exceptions or adverse interests.

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A

---

<sup>1</sup> State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

**PART III – BUDGET INFORMATION – CONSTRUCTION**

**SECTION A – GENERAL**

1. Federal Domestic Assistance Catalog Number:
2. Functional or Other Breakout:

**SECTION B – CALCULATION OF FEDERAL GRANT**

Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense FAA Flight Check			\$ 10,000
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			
5. Other Architectural engineering fees Const Admin			24,811
6. Project inspection fees			15,000
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			219,328
12. Equipment			
13. Miscellaneous			
14. <b>Subtotal</b> (Lines 1 through 13)			\$ 269,139
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. <b>Less:</b> Ineligible Exclusions (Section C, line 23 g.)			
18. <b>Subtotal</b> (Lines 16 through 17)			\$ 269,139
19. Federal Share requested of Line 18			242,225
20. Grantee share			13,457
21. Other shares			13,457
22. <b>TOTAL PROJECT</b> (Lines 19, 20 & 21)			\$ 269,139

<b>SECTION C – EXCLUSIONS</b>	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. <b>Total</b>	

<b>SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE</b>	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	13,457
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. <b>TOTAL - Grantee share</b>	
25. Other Shares	Amount
a. State	13,457
b. Other	
c. <b>TOTAL - Other Shares</b>	
<b>26. TOTAL NON-FEDERAL FINANCING</b>	<b>\$ 26,914</b>

<b>SECTION E – REMARKS</b> (Attach sheets if additional space is required)

**PART IV – PROGRAM NARRATIVE**  
(Suggested Format)

<b>PROJECT:</b> PAPI Installation
<b>AIRPORT:</b> Las Vegas Municipal Airport (LVS)
<b>1. Objective:</b> Replace existing non-operational VASI's/PLASI and install new PAPIs for Runways 14, 32, 2, and 20.
<b>2. Benefits Anticipated:</b> Existing VASI and PLASI equipment is non-operational and repairs are costly due to age and lack of availability of parts. New equipment will enhance aircraft safety by providing approach guidance during landing operations.
<b>3. Approach:</b> (See approved Scope of Work in Final Application) Prepared design and contract documents in accordance with FAA grant and procurement requirements under separate non-FAA funding. Project bid using FAA specifications and contract provisions. Complete construction and commission equipment for operation.
<b>4. Geographic Location:</b> Las Vegas Municipal Airport, Las Vegas, NM, San Miguel County
<b>5. If Applicable, Provide Additional Information:</b>
<b>6. Sponsor's Representative:</b> (include address & telephone number) John Aragon, Airport Manager 1700 N. Grand Ave. Las Vegas, NM 87701 jaragon@ci.las-vegas.nm.us

# SPONSORS BUDGET ANALYSIS

LOCATION Las Vegas Muncipal Airport (LVS)

AIP PROJECT NUMBER 3-35-0025-13  
PAPIs Installation

<b>LAND ACQUISITION</b>	
<b>CONSTRUCTION</b>	<b>\$219,328</b>
<b>ENGINEERING</b>	<b>\$ 24,811</b>
<b>ADMINISTRATIVE</b>	
<b>INSPECTION</b>	<b>\$ 15,000</b>
<b>TESTING</b>	
<b>EQUIPMENT</b>	
<b>OTHER(SPECIFY) FAA Flight Check</b>	<b>\$10,000</b>
<b>Program management (if applicable)</b>	
<b>TOTAL</b>	<b>\$269,139</b>

**REMARKS** All costs listed above include applicable NMGRT rates

<b>PROJECT COSTS:</b>	<b>\$</b>	<b>269,139</b>
<b>FAA share (90.00%)</b>	<b>\$</b>	<b>242,225</b>
<b>SPONSOR share</b>	<b>\$</b>	<b>26,914</b>

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## Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

### Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes    No



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## Drug-Free Workplace Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: PAPI Installation

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been ~~or will be~~ published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes  No  N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been ~~or will be~~ established prior to commencement of project to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The sponsor's policy of maintaining a drug-free workplace;
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes  No  N/A

3. Each employee to be engaged in the performance of the work has been ~~or will be~~ given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes  No  N/A

4. Employees have been ~~or will be~~ notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes  No  N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes  No  N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes  No  N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes  No  N/A

**Site(s) of performance of work (2 CFR § 182.230):**

**Location 1**

Name of Location:

Address: Las Vegas Municipal Airport

**Location 2 (if applicable)**

Name of Location:

Address:

**Location 3 (if applicable)**

Name of Location:

Address:



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## Selection of Consultants

### Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

#### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).  
 Yes    No    N/A
  
2. Sponsor procurement actions ensure ~~or will ensure~~ full and open competition that does not unduly limit competition (2 CFR § 200.319).  
 Yes    No    N/A
  
3. Sponsor has excluded ~~or will exclude~~ any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).  
 Yes    No    N/A

4. The advertisement describes ~~or will describe~~ specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).  
 Yes  No  N/A
5. Sponsor has publicized ~~or will publicize~~ a RFQ that:  
a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and  
b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).  
 Yes  No  N/A
6. Sponsor has based ~~or will base~~ selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).  
 Yes  No  N/A
7. Sponsor has verified ~~or will verify~~ that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).  
 Yes  No  N/A
8. A/E services covering multiple projects: Sponsor has agreed to ~~or will agree to~~:  
a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and  
b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).  
 Yes  No  N/A
9. Sponsor has negotiated ~~or will negotiate~~ a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).  
 Yes  No  N/A
10. The Sponsor's contract identifies ~~or will identify~~ costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).  
 Yes  No  N/A
11. Sponsor has prepared ~~or will prepare~~ a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).  
 Yes  No  N/A
12. Sponsor has incorporated ~~or will incorporate~~ mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)  
 Yes  No  N/A



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## Project Plans and Specifications

### Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor ([www.dol.gov/](http://www.dol.gov/)). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

#### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were ~~or will be~~ prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes  No  N/A

2. Specifications incorporate ~~or will incorporate~~ a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes  No  N/A

3. The development that is included ~~or will be included~~ in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).  
 Yes  No  N/A
4. Development and features that are ineligible or unallowable for AIP funding have been ~~or will be~~ omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).  
 Yes  No  N/A
5. The specification does not use ~~or will not use~~ "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).  
 Yes  No  N/A
6. The specification does not impose ~~or will not impose~~ geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).  
 Yes  No  N/A
7. The use of prequalified lists of individuals, firms or products include ~~or will include~~ sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).  
 Yes  No  N/A
8. Solicitations with bid alternates include ~~or will include~~ explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).  
 Yes  No  N/A
9. Concurrence was ~~or will be~~ obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).  
 Yes  No  N/A
10. The plans and specifications incorporate ~~or will incorporate~~ applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).  
 Yes  No  N/A
11. The design of all buildings comply ~~or will comply~~ with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)  
 Yes  No  N/A
12. The project specification include ~~or will include~~ process control and acceptance tests required for the project by as per the applicable standard:
- a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.  
 Yes  No  N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes  No  N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes  No  N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes  No  N/A

14. The project ~~was or~~ will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

**Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this            day of            , 2018    .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Equipment and Construction Contracts Airport Improvement Sponsor Certification

---

Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor ([www.dol.gov](http://www.dol.gov)) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is ~~or will be~~ in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes    No    N/A

2. For all contracts, qualified and competent personnel ~~are or~~ will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).  
 Yes  No  N/A
3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included ~~or will include~~ clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.  
 Yes  No  N/A
4. Sponsors required to have a DBE program on file with the FAA have implemented ~~or will implement~~ monitoring and enforcement measures that:
- Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
  - Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
  - Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).
- 
- Yes
- 
- No
- 
- N/A
5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was ~~or will be~~:
- Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
  - Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
  - Publicly opened at a time and place prescribed in the invitation for bids; and
  - Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.
- 
- Yes
- 
- No
- 
- N/A
6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested ~~or will request~~ FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:
- Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
  - Plan for publicizing and soliciting an adequate number of qualified sources; and
  - Listing of evaluation factors along with relative importance of the factors.
- 
- Yes
- 
- No
- 
- N/A
7. For construction and equipment installation projects, the bid solicitation includes ~~or will include~~ the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).  
 Yes  No  N/A

8. Concurrence was ~~or will be~~ obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes  No  N/A

9. All construction and equipment installation contracts contain ~~or will contain~~ provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances( 41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes  No  N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain ~~or will contain~~ the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland "Anti-Kickback" Act (29 CFR parts 3 and 5)

Yes  No  N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain ~~or will contain~~ a contract provision that discourages distracted driving (E.O. 13513).

Yes  No  N/A

12. All contracts exceeding \$10,000 contain ~~or will contain~~ the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes  No  N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place ~~or will be in place~~ (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes  No  N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$150,000) include ~~or will include~~ provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

**Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this            day of            , 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

---

Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

### Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgment and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing ~~were or~~ will be determined to be qualified and competent to perform the work (Grant Assurance).  
 Yes    No    N/A
2. Construction records, including daily logs, ~~were or~~ will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
  - a. Technical standards (Advisory Circular (AC) 150/5370-12);
  - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
  - c. Construction safety and phasing plan measures (AC 150/5370-2). Yes    No    N/A
3. All acceptance tests specified in the project specifications ~~were or~~ will be performed and documented. (AC 150/5370-12).  
 Yes    No    N/A

4. Sponsor ~~has taken or~~ will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).  
 Yes    No    N/A
5. Pay reduction factors required by the specifications ~~were applied or~~ will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).  
 Yes    No    N/A
6. Sponsor ~~has notified, or~~ will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
  - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
  - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes    No    N/A
7. Weekly payroll records and statements of compliance ~~were or~~ will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).  
 Yes    No    N/A
8. Payments to the contractor ~~were or~~ will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
  - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
  - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
  - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes    No    N/A
9. A final project inspection ~~was or~~ will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
  - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
  - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes    No    N/A
10. The project ~~was or~~ will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).  
 Yes    No    N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes  No  N/A

12. For development projects, sponsor ~~has taken or~~ will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes  No  N/A

13. Sponsor ~~has revised or~~ will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

#### Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Real Property Acquisition Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on real property acquisition and relocation assistance are in 49 CFR Part 24. The AIP project grant agreement contains specific requirements and assurances on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

### Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the real property acquisition project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. The sponsor's attorney or other official has or will have good and sufficient title as well as title evidence on property in the project.  
 Yes    No    N/A
  
2. If defects and/or encumbrances exist in the title that adversely impact the sponsor's intended use of property in the project, they have been or will be extinguished, modified, or subordinated.  
 Yes    No    N/A
  
3. If property for airport development is or will be leased, the following conditions have been met:
  - a. The term is for 20 years or the useful life of the project;
  - b. The lessor is a public agency; and
  - c. The lease contains no provisions that prevent full compliance with the grant agreement. Yes    No    N/A

4. Property in the project is or will be in conformance with the current Exhibit A property map, which is based on deeds, title opinions, land surveys, the approved airport layout plan, and project documentation.

Yes  No  N/A

5. For any acquisition of property interest in noise sensitive approach zones and related areas, property interest was or will be obtained to ensure land is used for purposes compatible with noise levels associated with operation of the airport.

Yes  No  N/A

6. For any acquisition of property interest in runway protection zones and areas related to 14 CFR 77 surfaces or to clear other airport surfaces, property interest was or will be obtained for the following:

- a. The right of flight;
- b. The right of ingress and egress to remove obstructions; and
- c. The right to restrict the establishment of future obstructions.

Yes  No  N/A

7. Appraisals prepared by qualified real estate appraisers hired by the sponsor include or will include the following:

- a. Valuation data to estimate the current market value for the property interest acquired on each parcel; and
- b. Verification that an opportunity has been provided to the property owner or representative to accompany appraisers during inspections.

Yes  No  N/A

8. Each appraisal has been or will be reviewed by a qualified review appraiser to recommend an amount for the offer of just compensation, and the written appraisals as well as review appraisal are available to Federal Aviation Administration (FAA) for review.

Yes  No  N/A

9. A written offer to acquire each parcel was or will be presented to the property owner for not less than the approved amount of just compensation.

Yes  No  N/A

10. Effort was or will be made to acquire each property through the following negotiation procedures:

- a. No coercive action to induce agreement; and
- b. Supporting documents for settlements included in the project files.

Yes  No  N/A



## CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

<b>* APPLICANT'S ORGANIZATION</b>	
<input style="width: 100%;" type="text" value="City of Las Vegas"/>	
<b>* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE</b>	
Prefix: <input style="width: 100px;" type="text"/>	* First Name: <input style="width: 200px;" type="text"/> Middle Name: <input style="width: 150px;" type="text"/>
* Last Name: <input style="width: 300px;" type="text"/>	Suffix: <input style="width: 80px;" type="text"/>
* Title: <input style="width: 250px;" type="text"/>	
<b>* SIGNATURE:</b> <input style="width: 250px; height: 40px;" type="text"/>	<b>* DATE:</b> <input style="width: 100px;" type="text"/>

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## Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

### Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes    No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

Yes  No

3. The sponsor or sub-recipient certifies that is has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

Yes  No

Attach documentation clarifying any above item marked with "no" response.

### **Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this        day of                    , 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



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## Drug-Free Workplace Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: PAPI Installation

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been ~~or will be~~ published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes    No    N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been ~~or will be~~ established prior to commencement of project to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The sponsor's policy of maintaining a drug-free workplace;
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes    No    N/A

3. Each employee to be engaged in the performance of the work has been ~~or will be~~ given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes  No  N/A

4. Employees have been ~~or will be~~ notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes  No  N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes  No  N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes  No  N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes  No  N/A

**Site(s) of performance of work (2 CFR § 182.230):**

**Location 1**

Name of Location:

Address: Las Vegas Municipal Airport

**Location 2 (if applicable)**

Name of Location:

Address:

**Location 3 (if applicable)**

Name of Location:

Address:



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## Selection of Consultants

### Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

#### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).  
 Yes    No    N/A
  
2. Sponsor procurement actions ensure ~~or will ensure~~ full and open competition that does not unduly limit competition (2 CFR § 200.319).  
 Yes    No    N/A
  
3. Sponsor has excluded ~~or will exclude~~ any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).  
 Yes    No    N/A

4. The advertisement describes ~~or will describe~~ specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).  
 Yes  No  N/A
5. Sponsor has publicized ~~or will publicize~~ a RFQ that:  
a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and  
b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).  
 Yes  No  N/A
6. Sponsor has based ~~or will base~~ selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).  
 Yes  No  N/A
7. Sponsor has verified ~~or will verify~~ that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).  
 Yes  No  N/A
8. A/E services covering multiple projects: Sponsor has agreed to ~~or will agree to~~:  
a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and  
b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).  
 Yes  No  N/A
9. Sponsor has negotiated ~~or will negotiate~~ a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).  
 Yes  No  N/A
10. The Sponsor's contract identifies ~~or will identify~~ costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).  
 Yes  No  N/A
11. Sponsor has prepared ~~or will prepare~~ a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).  
 Yes  No  N/A
12. Sponsor has incorporated ~~or will incorporate~~ mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)  
 Yes  No  N/A



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## Project Plans and Specifications

### Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor ([www.dol.gov/](http://www.dol.gov/)). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

#### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were ~~or will be~~ prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes    No    N/A

2. Specifications incorporate ~~or will incorporate~~ a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes    No    N/A

3. The development that is included ~~or will be included~~ in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).  
 Yes    No    N/A
  
4. Development and features that are ineligible or unallowable for AIP funding have been ~~or will be~~ omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).  
 Yes    No    N/A
  
5. The specification does not use ~~or will not use~~ "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).  
 Yes    No    N/A
  
6. The specification does not impose ~~or will not impose~~ geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).  
 Yes    No    N/A
  
7. The use of prequalified lists of individuals, firms or products include ~~or will include~~ sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).  
 Yes    No    N/A
  
8. Solicitations with bid alternates include ~~or will include~~ explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).  
 Yes    No    N/A
  
9. Concurrence was ~~or will be~~ obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).  
 Yes    No    N/A
  
10. The plans and specifications incorporate ~~or will incorporate~~ applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).  
 Yes    No    N/A
  
11. The design of all buildings comply ~~or will comply~~ with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)  
 Yes    No    N/A
  
12. The project specification include ~~or will include~~ process control and acceptance tests required for the project by as per the applicable standard:
  - a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.  
 Yes    No    N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes  No  N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes  No  N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes  No  N/A

14. The project ~~was or~~ will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

**Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this            day of            , 2018    .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Equipment and Construction Contracts Airport Improvement Sponsor Certification

---

Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor ([www.dol.gov](http://www.dol.gov)) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

### Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is ~~or will be~~ in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes    No    N/A

2. For all contracts, qualified and competent personnel ~~are or~~ will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).
- Yes  No  N/A
3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included ~~or will include~~ clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.
- Yes  No  N/A
4. Sponsors required to have a DBE program on file with the FAA have implemented ~~or will implement~~ monitoring and enforcement measures that:
- Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
  - Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
  - Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).
- Yes  No  N/A
5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was ~~or will be:~~
- Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
  - Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
  - Publicly opened at a time and place prescribed in the invitation for bids; and
  - Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.
- Yes  No  N/A
6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested ~~or will request~~ FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:
- Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
  - Plan for publicizing and soliciting an adequate number of qualified sources; and
  - Listing of evaluation factors along with relative importance of the factors.
- Yes  No  N/A
7. For construction and equipment installation projects, the bid solicitation includes ~~or will include~~ the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).
- Yes  No  N/A

8. Concurrence was ~~or will be~~ obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes  No  N/A

9. All construction and equipment installation contracts contain ~~or will contain~~ provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances( 41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes  No  N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain ~~or will contain~~ the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland "Anti-Kickback" Act (29 CFR parts 3 and 5)

Yes  No  N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain ~~or will contain~~ a contract provision that discourages distracted driving (E.O. 13513).

Yes  No  N/A

12. All contracts exceeding \$10,000 contain ~~or will contain~~ the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes  No  N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place ~~or will be in place~~ (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes  No  N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$150,000) include ~~or will include~~ provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

**Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this            day of            , 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

**Signature** of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d), authorizes the Secretary to require the certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

### Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgment and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing ~~were or~~ will be determined to be qualified and competent to perform the work (Grant Assurance).  
 Yes    No    N/A
2. Construction records, including daily logs, ~~were or~~ will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
  - a. Technical standards (Advisory Circular (AC) 150/5370-12);
  - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
  - c. Construction safety and phasing plan measures (AC 150/5370-2). Yes    No    N/A
3. All acceptance tests specified in the project specifications ~~were or~~ will be performed and documented. (AC 150/5370-12).  
 Yes    No    N/A

4. Sponsor ~~has taken or~~ will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).  
 Yes    No    N/A
5. Pay reduction factors required by the specifications ~~were applied or~~ will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).  
 Yes    No    N/A
6. Sponsor ~~has notified, or~~ will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
- a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
  - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
  - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).
- Yes    No    N/A
7. Weekly payroll records and statements of compliance ~~were or~~ will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).  
 Yes    No    N/A
8. Payments to the contractor ~~were or~~ will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
- a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
  - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
  - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
  - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).
- Yes    No    N/A
9. A final project inspection ~~was or~~ will be conducted with representatives of the sponsor and the contractor present that ensure:
- a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
  - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
  - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);
- Yes    No    N/A
10. The project ~~was or~~ will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).  
 Yes    No    N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes  No  N/A

12. For development projects, sponsor ~~has taken or~~ will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes  No  N/A

13. Sponsor ~~has revised or~~ will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

#### Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Authorized Official: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

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## Real Property Acquisition Airport Improvement Program Sponsor Certification

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Sponsor: City of Las Vegas

Airport: Las Vegas Municipal Airport

Project Number: 3-35-0025-14

Description of Work: Install PAPIs

### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on real property acquisition and relocation assistance are in 49 CFR Part 24. The AIP project grant agreement contains specific requirements and assurances on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

### Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the real property acquisition project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. The sponsor's attorney or other official has or will have good and sufficient title as well as title evidence on property in the project.

Yes  No  N/A

2. If defects and/or encumbrances exist in the title that adversely impact the sponsor's intended use of property in the project, they have been or will be extinguished, modified, or subordinated.

Yes  No  N/A

3. If property for airport development is or will be leased, the following conditions have been met:

- a. The term is for 20 years or the useful life of the project;
- b. The lessor is a public agency; and
- c. The lease contains no provisions that prevent full compliance with the grant agreement.

Yes  No  N/A

4. Property in the project is or will be in conformance with the current Exhibit A property map, which is based on deeds, title opinions, land surveys, the approved airport layout plan, and project documentation.

Yes  No  N/A

5. For any acquisition of property interest in noise sensitive approach zones and related areas, property interest was or will be obtained to ensure land is used for purposes compatible with noise levels associated with operation of the airport.

Yes  No  N/A

6. For any acquisition of property interest in runway protection zones and areas related to 14 CFR 77 surfaces or to clear other airport surfaces, property interest was or will be obtained for the following:

- a. The right of flight;
- b. The right of ingress and egress to remove obstructions; and
- c. The right to restrict the establishment of future obstructions.

Yes  No  N/A

7. Appraisals prepared by qualified real estate appraisers hired by the sponsor include or will include the following:

- a. Valuation data to estimate the current market value for the property interest acquired on each parcel; and
- b. Verification that an opportunity has been provided to the property owner or representative to accompany appraisers during inspections.

Yes  No  N/A

8. Each appraisal has been or will be reviewed by a qualified review appraiser to recommend an amount for the offer of just compensation, and the written appraisals as well as review appraisal are available to Federal Aviation Administration (FAA) for review.

Yes  No  N/A

9. A written offer to acquire each parcel was or will be presented to the property owner for not less than the approved amount of just compensation.

Yes  No  N/A

10. Effort was or will be made to acquire each property through the following negotiation procedures:

- a. No coercive action to induce agreement; and
- b. Supporting documents for settlements included in the project files.

Yes  No  N/A

11. If a negotiated settlement is not reached, the following procedures were or will be used:
- a. Condemnation initiated and a court deposit not less than the just compensation made prior to possession of the property; and
  - b. Supporting documents for awards included in the project files.

Yes  No  N/A

12. If displacement of persons, businesses, farm operations, or non-profit organizations is involved, a relocation assistance program was or will be established, with displaced parties receiving general information on the program in writing, including relocation eligibility, and a 90-day notice to vacate.

Yes  No  N/A

13. Relocation assistance services, comparable replacement housing, and payment of necessary relocation expenses were or will be provided within a reasonable time period for each displaced occupant in accordance with the Uniform Act.

Yes  No  N/A

Attach documentation clarifying any above item marked with "No" response.

### Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 .

Name of Sponsor: City of Las Vegas

Name of Sponsor's Authorized Official:

Title of Sponsor's Authorized Official: City Manager

Signature of Sponsor's Designated Official Representative: \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.