



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

**CITY OF LAS VEGAS
REGULAR CITY COUNCIL AGENDA
June 17, 2020–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. MAYOR'S APPOINTMENTS/REPORTS

- Appointment of elected official and alternate to the North Central New Mexico Economic Development District.

VII. MAYOR'S RECOGNITIONS/PROCLAMATIONS

- Certificate of Recognition on the retirement of Andrea Gutierrez and presentation of plaque by Chief Bibb III.

VIII. PUBLIC INPUT (comments limited to topics on current agenda, not to exceed 3 minutes per person and persons must sign up at least 15 minutes prior to meeting) Public Input forwarded to the City Clerk will be read into the record.

IX. PRESENTATIONS (Not to exceed 10 minutes per person)

- Presentation by James Gallegos and Walter Adams with DOT providing information on Welcome to Las Vegas sign and maintenance requirements related to sign and median.

David Ulibarri
Councilor Ward 1

Michael L. Montoya
Councilor Ward 2

Joseph P. Baca
Councilor Ward 3

David G. Romero
Councilor Ward 4

- Presentation by Maria Gilvarry, Utilities Director on the Water and Waste Water treatment systems operations.

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 The Lodgers Tax Advisory Board request to use lodger's tax funding for the purchase of Marketing Software.
2. Approval of The Lodgers Tax Advisory Board request to use lodger's tax funding for NM True Advertising.
3. Approval of The Lodgers Tax Advisory Board request to use lodger's tax funding for City Tourism and Film Tourism Websites.
4. Approval of Resolution #20-25 to accept grant agreement, (Project No. LVS-20-02) for the purchase of Tractor Equipment for the Las Vegas Municipal Airport.
5. Approval of Resolution #20-26 to apply for and accept grant offer on the Las Vegas Airport and award bid #2020-10, crack seal and marking to American Road Maintenance Inc.
6. Approval of Resolution #20-28 to increase the budget of the Senior Center Program by \$11,700.
7. Approval to Publish Ordinance 20-03, amending the current Fire Code.
8. Approval of Resolution #20-27, a resolution to adopt a municipal records retention schedule and email retention guidelines.

XIII. BUSINESS ITEMS

1. Conduct a public hearing and approval/disapproval to adopt Ordinance 20-02, amendment to the Official Zoning Map for the City of Las Vegas.

Maria Perea, Planning and Zoning Coordinator This is an ordinance amending the City of Las Vegas zoning map from an R-1 (Single family residential zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM at the request of the purchaser, Center Pointe Development Group, LLC and the property owner, Pay & Save, Inc.

2. Approval/Disapproval of Resolution 20-09, authorizing the City of Las Vegas to Quitclaim a portion of 4th Street as per preliminary plat attached as Exhibit A and legal description noted on resolution.

Maria Perea, Planning and Zoning Coordinator The Las Vegas City Schools is requesting that a portion of 4th Street that is located between two Las Vegas City Schools be vacated in order to provide security for Robertson High School and Middle School. The applicant’s intent is to complete construction of a security fence.

3. Approval/Disapproval of Resolution 20-29 Budget Adjustment Resolution.

Mary Romero, Finance Director The City of Las Vegas is requesting increases/decreases in the transfer line items from fund 216 Streets Dept. (decreases) to fund 214 Street Co-op Projects (increase) and fund 433 Rehab of Airport Projects (increase) to meet match requirements for NMDOT funded projects. An increase/decrease in the transfer line item from General Fund 101 to fund 273 Comprehensive master plan and revenue/expenditure increase in fund 433 Rehab of Airport Projects per amendment number 1 of Project no. LVS-19-01.

XIV. 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.

BUSINESS ITEMS CONTINUED

- 4. Approval/Disapproval to Publish Ordinance 20-04, to amend the Code of the City of Las Vegas, Chapter 66, Personnel Rules, Section 52, entitled Vacation Leave.

Donna Castro, HR Director To review and consider changes to City's vacation policy so that policy reflects current practice.

XV. COUNCILORS' REPORTS (limited to 3 minutes)

XVI. ADJOURN

ATTENTION PERSONS WITH DISABILITIES: 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.

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

GENERAL FUND REVENUE COMPARISON
THRU MAY 31, 2020 92% (91.63%) OF YEAR LAPSED (11 of 12 months)
FISCAL YEAR 2020

Total Budget to Actual Comparison

	A	B	C	D	E	G
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	(E/B) FY 2020 % REV
PROPERTY TAX	1,485,000	1,312,372	1,203,008	1,214,743	1,157,508	88%
GROSS RECEIPT TAX 1.225	3,550,000	3,550,000	3,254,167	3,255,387	3,598,060	101%
FRANCHISE TAX	750,000	750,000	687,500	755,374	725,930	97%
GROSS RECEIPT TAX .75	2,332,500	2,449,125	2,245,031	2,416,964	2,362,723	96%
1/8 INFRASTRUCTURE	372,000	372,000	341,000	354,289	375,014	101%
GRT .25 (JAN 2011)	1,060,000	1,060,000	971,667	1,000,235	1,032,425	97%
LICENSE & FEES	83,500	63,000	57,750	46,210	43,156	69%
INTERGOVERNMENTAL	77,144	76,500	70,125	75,828	67,874	89%
LOCAL-FINES	66,500	66,500	60,958	56,224	56,958	86%
LOCAL-MISC	1,648,800	1,667,450	1,528,496	1,672,405	1,626,761	98%
TOTAL	11,425,444	11,366,947	10,419,701	10,847,659	11,046,412	97%

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

FISCAL YEAR 2020

Total Budget to Actual Comparison

	A	B	C	D	E	F	H
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	FY 2020 AVAIL. BAL.	(E/B) % BDGT
JUDICIAL	294,648	300,157	275,144	261,727	281,620	18,537	94%
GOVERNING BODY	73,038	72,409	66,375	67,618	63,895	8,514	88%
MAYOR	60,736	43,484	39,860	51,796	14,888	28,596	34%
MANAGER	261,412	264,452	242,414	179,270	251,336	13,116	95%
MUNICIPAL CLERK	222,499	270,729	248,168	210,884	260,504	10,225	96%
CITY ATTORNEY	229,704	218,052	199,881	128,334	165,093	52,959	76%
HUMAN RESOURCES	245,259	249,961	229,131	176,909	183,672	66,289	73%
FINANCE	467,223	475,653	436,015	386,363	456,453	19,200	96%
COMMUNITY DEV.	528,706	506,791	464,558	309,523	331,611	175,180	65%
POLICE	4,006,680	4,277,031	3,920,612	3,520,097	3,525,138	751,893	82%
CODE ENFORCEMENT	150,334	142,021	130,186	98,050	40,729	101,292	29%
ANIMAL SHELTER	135,490	150,424	137,889	124,418	108,039	42,386	72%
FIRE	1,357,467	1,384,729	1,269,335	1,095,790	1,259,368	125,361	91%
PUBLIC WORKS/AIRPORT	450,832	487,071	446,482	383,561	385,900	101,171	79%
PARKS	290,709	290,323	266,129	192,605	211,765	78,558	73%
LIBRARY	200,046	232,272	212,916	178,121	232,106	166	100%
MUSEUM	148,116	154,939	142,027	121,401	110,391	44,549	71%
GENERAL SERVICES	3,161,410	2,723,568	2,496,604	1,717,843	1,867,304	856,264	69%
SALARY CONTINGENCY	0	0	0	0		0	0%
TRANSFERS	751,352	744,667	682,611	687,227	679,711	64,956	91%
TOTAL	13,035,661	12,988,733	11,906,339	9,891,534	10,429,524	2,559,209	80%

Surplus to date 616,888

**ENTERPRISE FUNDS-REVENUE COMPARISON
THRU MAY 31, 2020 92% (91.63%) YEAR LAPSED (11 of 12 months)
FISCAL YEAR 2020**

Total Budget to Actual Comparison

	A	B	C	D	E	G (E/B) % BUDGET
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	
WASTE WATER (610)	2,966,100	3,419,600	3,134,633	2,765,445	2,588,002	76%
NATURAL GAS (620)	5,036,000	5,041,250	4,621,146	4,996,486	4,859,034	96%
SOLID WASTE (630)	3,419,400	3,413,400	3,128,950	3,123,145	3,162,866	93%
WATER (640)	5,138,950	5,172,720	4,741,660	4,636,802	4,543,748	88%
<i>Total of Enterprise Funds</i>	16,560,450	17,046,970	15,626,389	15,521,877	15,153,651	89%

**ENTERPRISE FUNDS-EXPENDITURES COMPARISON
THRU MAY 31, 2020 92% (91.63%) YEAR LAPSED (11 of 12 months)
FISCAL YEAR 2020**

Total Budget
to Actual
Comparison

	A	B	C	D	E	F	H (E/B) % BUDGET
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	FY 2020 AVAIL. BAL.	
WASTE WATER(610)	3,317,958	4,671,737	4,282,426	2,811,236	3,120,754	1,550,983	67%
NATURAL GAS (620)	6,179,773	6,930,179	6,352,664	4,558,775	4,379,425	2,550,754	63%
SOLID WASTE (630)	3,760,097	3,781,260	3,466,155	2,918,528	2,958,440	822,820	78%
WATER (640)	4,707,663	5,481,285	5,024,511	3,862,560	4,847,165	634,120	88%
<i>Total of Enterprise Funds</i>	17,965,491	20,864,461	19,125,756	14,151,099	15,305,785	5,558,676	73%

Deficit to date	(152,134)
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**RECREATION DEPARTMENT-REVENUE COMPARISON
THRU MAY 31, 2020 - 92% (91.63%) OF YEAR LAPSED 11 OF 12 MONTHS
FISCAL YEAR 2020**

	A	B	C	D	E	G (E/B)
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	% REV
RECREATION-TAXES (Cig)	0	0	0	0	0	0%
WELLNESS CENTER	115,000	115,000	105,417	98,370	64,007	56%
OPEN SWIM	20,000	10,000	9,167	8,199	4,705	47%
YAFL	0	0	0	0	0	0%
YABL/ADULT BASKETBALL	16,500	16,500	15,125	6,977	2,983	18%
SUMMER FUN PROGRAM	26,000	30,000	27,500	37,390	29,530	98%
RECREATION-OTHER	85,000	62,500	57,292	23,589	24,405	39%
GEN FUND TRANSFER	400,000	400,000	366,667	366,520	366,520	92%
TOTAL	662,500	634,000	581,167	541,044	492,149	78%

**RECREATION DEPARTMENT- EXPENDITURE COMPARISON
THRU MAY 31, 2020 - 92% (91.63%) OF YEAR LAPSED 11 OF 12 MONTHS
FISCAL YEAR 2020**

	A	B	C	D	E	F	H (E/B) %
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	FY 2020 AVAIL. BAL.	BDGT
EMPLOYEE EXP.	633,166	619,444	567,824	452,007	525,137	94,307	85%
YAFL	0	0	0	0	0	0	0%
YABL/ADULT BASKETBALL	8,500	8,500	7,792	6,491	4,785	3,715	56%
OTHER OPERATING EXP.	95,350	83,850	76,863	62,657	53,577	30,273	64%
CAPITAL OUTLAY	9,500	9,500	8,708	4,729	2,367	7,133	25%
TOTAL	746,516	721,294	661,186	525,883	585,866	135,428	81%

Deficit to date	(93,717)
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LODGERS TAX PROMOTION - REVENUE COMPARISON
THRU MAY 31, 2020 - 92% (91.63%) OF YEAR LAPSED 11 OF 12 MONTHS
FISCAL YEAR 2020

	A	B	C	D	E	G
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	(E/B) % REV
LODGER'S TAX PROMO	328,000	301,600	175,933	351,457	289,639	165%
LODGER'S TAX - INFRASTRUCTURE	82,000	75,400	43,983	0	51,506	68%
TOTAL	410,000	377,000	219,917	351,457	341,144	90%

LODGERS TAX PROMOTION - EXPENDITURE COMPARISON
THRU MAY 31, 2020 - 92% (91.63%) OF YEAR LAPSED 11 OF 12 MONTHS
FISCAL YEAR 2020

	A	B	C	D	E	F	H
	FY 2019 BUDGET	FY 2020 BUDGET	FY 2020 YTD - BUDGET	FY 2019 YTD - ACTUAL	FY 2020 YTD - ACTUAL	FY 2020 AVAIL. BAL.	(E/B) % BDGT
EMPLOYEE EXP.	44,729	42,389	24,727	38,494	19,060	23,329	45%
OPERATING EXPENSES	26,561	24,100	14,058	18,388	14,676	9,424	0%
PUBLICATIONS & ADVERT	175,158	140,900	82,192	115,301	69,267	71,633	49%
CONTRACTUAL SERVICES	304,238	229,738	134,014	121,781	105,151	124,587	46%
CAPITAL OUTLAY	2,000	76,400	44,567	0	29,140	47,260	
TRANSFERS	51,567	41,956	24,474	47,251	38,444	3,512	92%
TOTAL	604,253	555,483	324,032	341,215	275,740	279,743	50%

Surplus to Date 65,404

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: June 5, 2020

DEPT: Comm. Dev.

MEETING DATE: June 17, 2020

ITEM/TOPIC:

Rezone of a property located at 1412 – 6th Street, Las Vegas, New Mexico as per Ordinance # 20-02, amendment to the Official Zoning Map for the City of Las Vegas.

ACTION REQUESTED OF COUNCIL:

Conduct a public hearing and approve or disapprove the adoption of proposed ordinance.

BACKGROUND/RATIONALE:

Mr. J. Clint Jameson, Managing Partner for Center Pointe Development Group, LLC and Pay & Save, Inc. Purchasers & Owner of a 0.61 acres ± within T16n, R16e, Section 23 (Projected) and addressed as 1412 – 6th Street, Las Vegas, New Mexico appeared before the Planning & Zoning Commission on May 26, 2020. Purchaser & Owner are requesting that above property be rezoned from the present R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone). The re-zone would allow applicants to construct a 2,200 square foot building for a Coffee Shop with drive-thru area. The proposed project is not allowed in the area as it is currently zoned.

STAFF RECOMMENDATION:

Consideration and approval or disapproval of ordinance # 20-02.

COMMITTEE RECOMMENDATION:

The Planning & Zoning Commission recommends approval of the rezone from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) as requested by Center Pointe Development Group, LLC and Pay & Save, Inc.

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:


WILLIAM TAYLOR, CITY MANAGER

SCOTT AARON, CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

MARY ROMERO, FINANCE DIRECTOR
(PROCUREMENT)

**CITY OF LAS VEGAS, CITY COUNCIL
ORDINANCE NO. 20-02**

AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-1 (SINGLE FAMILY RESIDENTIAL ZONE) TO A C-3 (GENERAL COMMERCIAL ZONE) FOR PROPERTY LOCATED AT 1412 – 6TH STREET, LAS VEGAS, NEW MEXICO 87701 AT THE REQUEST OF THE PURCHASER, CENTER POINTE DEVELOPMENT GROUP, LLC AND THE PROPERTY OWNER, PAY & SAVE, INC.

WHEREAS, Center Pointe Development Group, LLC (“Purchaser”) desires to purchase from Pay & Save, Inc. (“Owner”) that certain real property located at 1412 6th Street in Las Vegas, Sandoval County, New Mexico 87701, described as:

Tract II

Starting at a point that is the monument situated at the intersection of Sixth Street and Friedman Avenue; thence N 27d 45’ 54” W, 500.50 feet to another monument set at the intersection of Sixth Street and Reynolds Avenue; thence N 27d 45’ 54” W, 529.27 feet to a point; thence N 63d 49’ E, 40.02 feet along the south edge of Mills Avenue right of way to the point and place of beginning, which is the northwest corner of the tract herein described; thence N 63d 49’ E, 142.55 feet to the northeast corner of this tract where a property pin has been set; thence S 27d 45’ 54” E, 184.23 feet to the southeast corner of the of the tract here described; thence S 62d 14’ 06” W, 142.50 feet, this line being coincident with the south line of Lot 4, Block 7, of the Reynolds & Harold Addition to the City of Las Vegas; thence N 27d 45’ 54” W, 188.16 feet to the point and place of beginning, all as shown on that certain plat number L72-1LV-24D, dated January 1972, prepared by Ballew & Associates, PA, and revised February 22, 1972 and prepared for Gertrude M. Rogers (“Property”).

WHEREAS, pursuant to City Ordinance 450-12, the City Council of the City of Las Vegas (“City Council”) may make changes to the Official Zoning Map; and

WHEREAS, pursuant to the Las Vegas City Zoning Ordinance, Purchaser and Owner petitioned the City of Las Vegas Planning and Zoning Commission (“Planning and Zoning”) for an amendment to the Official Zoning Map of the City of Las Vegas (“City); and

WHEREAS, on May 26, 2020, Planning and Zoning held a public hearing, after providing notice as required by law, for the purpose of receiving public input regarding the amendment of the Property’s zoning designation in the City’s Official Zoning Map from R-1 (Single Family Residential Zone) to C-3 (General Commercial Zone); and

WHEREAS, on May 26, 2020, Planning and Zoning held a public hearing, after providing notice as required by law, for the purpose of receiving public input regarding the amendment of

the Property's zoning designation in the City's Official Zoning Map from R-1 (Single Family Residential Zone) to C-3 (General Commercial Zone); and

WHEREAS, on May 26, 2020, pursuant to City Ordinance 18-14, Planning and Zoning adopted a motion recommending approval of Purchaser's and Owner's aforementioned proposed amendment to modify the zoning of the Property in the City's Official Zoning Map; and

WHEREAS, a copy of the survey of the Property, dated February 22, 1927, performed by Ballew & Associates, PA, is attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Las Vegas, that the Purchaser's and Owner's petition is granted and the Official Zoning Map is amended to reflect that the zoning classification of the Property is changed from an R-2 to C-3 effective immediately, and the recitals and any exhibits are incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this _____ day of June, 2020.

Louie A. Trujillo, Mayor

Reviewed and approved as to legal sufficiency only:

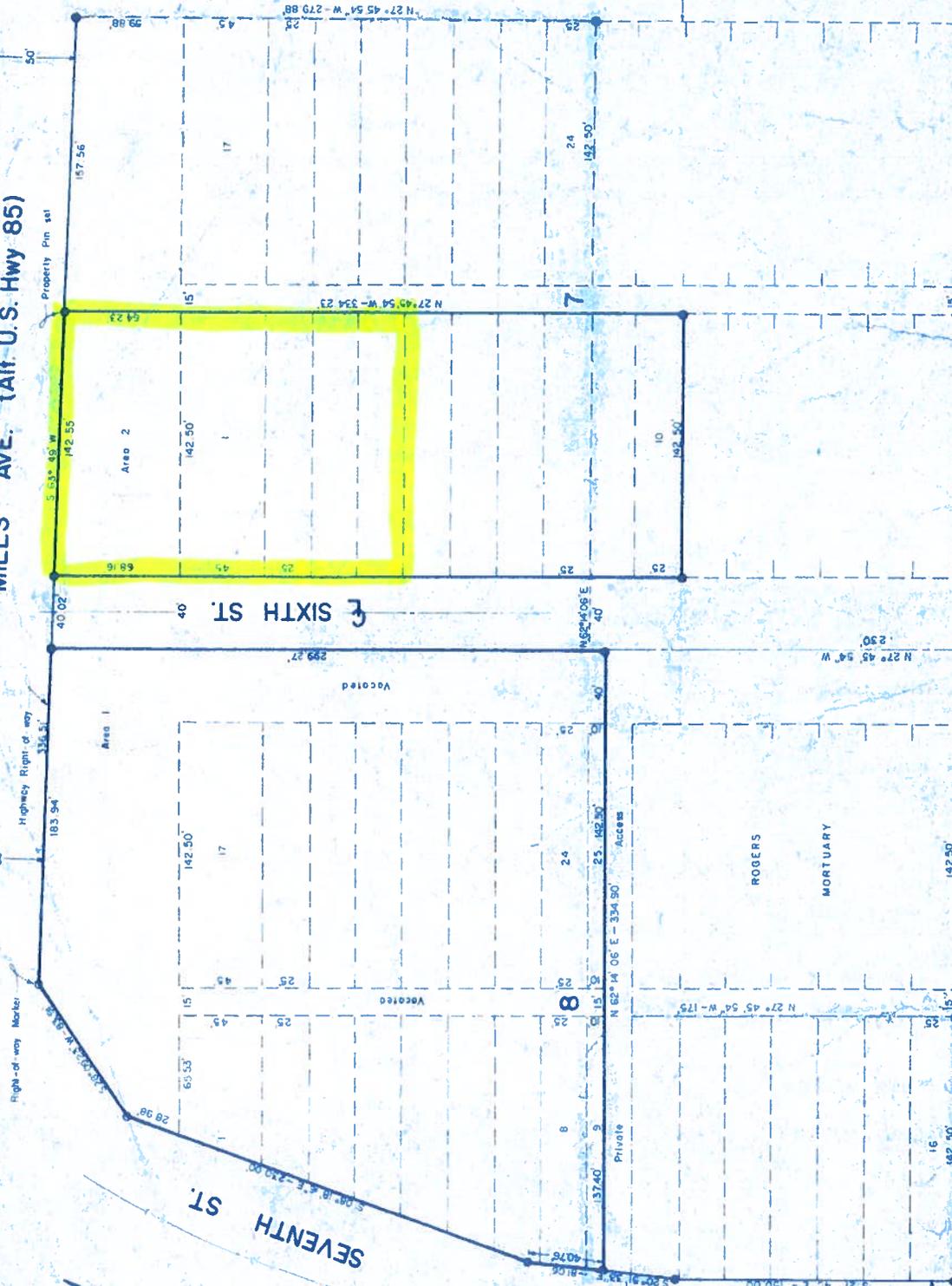
Scott Aaron, City Attorney

Attest:

Casandra Fresquez, City Clerk

NOTE: Bearings are referenced to N.M.S.H.D. R/W information.

MILLS AVE. (Alt. U.S. Hwy 85)



Area	Area
Block 8	1,388 ac
Block 7	0,883 ac
Area 1	0,598 ac
Area 2	0,217 ac
Total	3,086 ac

SURVEYOR'S CERTIFICATE

I, J.E. Boller, Jr., do hereby certify that this plat was prepared from field notes of actual surveys made under my direction and that the same is correct and true to the best of my knowledge and belief.

J.E. Boller, Jr.
 J.E. Boller, Jr., Reg. N.M.S.H.D. No. 3948

PROPERTY SURVEY

Prepared for: **GERTRUDE M. ROGERS**
 Los Vegas, New Mexico

Prepared by: **MALLEY B. ASSOCIATES, P.A.**
 Surveyors
 1716 W. 24th St.
 Las Vegas, N.M. 87102

Map No. 72
 Date: 10/17/72
 Survey No. 22,715

EXHIBIT A



**CITY COUNCIL
RECORD PROPER**

Applicant: J. Clint Jameson, Managing Partner
Center Pointe Development Group, LLC

Owner: Pay & Save, Inc.
Littlefield, TX

Location: 1412 – 6th Street
Las Vegas, NM 87701

Date: Wednesday, June 17, 2020 @ 6:00pm

ACTION REQUESTED:

A recommendation to City Council for approval or disapproval of an Amendment to the Official Zoning Map of the City of Las Vegas from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM 87701.

BACKGROUND:

Applicant, Center Pointe Development Group, LLC, and Owner Pay & Save, Inc., have applied for an amendment to the official zoning map of the City of Las Vegas. The application is to change the zoning on a 0.61 acres parcel ± located within T16n, R16e, Section 23 (projected) and known as 1412 – 6th Street, Las Vegas, New Mexico. The City's Planning & Zoning Commission held a public hearing on Tuesday, May 26, 2020 to review testimony in favor or opposition of the request. A total of 8 notices were mailed out to property owners within a radius of 100 feet. Several property owners were sent only one notice as they owned various properties in the area. None of the property owners were at the Planning & Zoning Commission meeting, but two (2) written comments were sent to Community Development with comments. One property owner stated he approved of the zone change, the other was opposed as he was concerned with more traffic in the area, as NM Hwy 518 is nearby and intersects with Mills Avenue, which in turn intersects with 6th Street. The Planning Commission made the recommendation for approval for the requested zone change, with a requirement that the applicant meet with NM Department of Transportation or the owner of Mills Avenue regarding concerns on the entrance/exit closer to Mills Avenue.

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. Center Pointe Development Group, LLC submitted their application on April 24, 2020 and it is signed by the property owner.

EXHIBITS

Exhibit No.	Description (Document Name, date, and number of pages)
1	Application to re-zone property located at 1412 - 6 th Street, Las Vegas, New Mexico, received on April 24, 2020 - - 1 Page

2	Letter of Intent to re-zone above property, dated April 24, 2020 - - 3 Pages
3	Special Warranty Deed recorded at the San Miguel County Clerk's Office on April 5, 2012 as Instrument No. 201201271 - - 4 Pages NOTE: Tract II is what is being sold.
4	Site Plan of proposed project - - 1 Page
5	Copy of survey completed by Ballew & Associates, P.A., for Gertrude M. Rogers, showing all properties on deed with Tract II highlighted - - 1 Page
6	Notice of City Council Meeting to be conducted on Wednesday, June 17, 2020 to Applicant and to Owner, dated June 3, 2020 - 2 Pages
7	List of property owners within 100-feet of subject property sent notification via certified mail, copy of Assessor's Map of area around Subject Property, Vicinity Map sent to property owners and copy of Zoning map with approximate area of subject property circled - - 5 Pages
8	Aerial photo of Subject property highlighted - - 1 Page
9	Copy of the Notice published in the Las Vegas Optic on June 3, 2020 for the City Council meeting - - 1 Page
10	Copy of the Planning & Zoning Commission Record Proper, which was approved - - 2 Pages
11	Copies of submitted letters/emails to the Planning & Zoning Commission for or against the proposed project, which were read into the record and made a part of the P&Z Record Proper - - 2 Pages
12	Findings of Fact and Conclusions of Law and recommendations by the Planning & Zoning Commission approved on June 5, 2020 by Commission Chairperson - - 2 Pages
13	Copy of Ordinance No. 20-02, submitted to City Attorney and City Manager for review and approval, approved and returned on June 5, 2020 - 4 pages

**CITY COUNCIL
RECORD PROPER**

Applicant: J. Clint Jameson, Managing Partner
Center Pointe Development Group, LLC

Owner: Pay & Save, Inc.
Littlefield, TX

Location: 1412 – 6th Street
Las Vegas, NM 87701

Date: Wednesday, June 17, 2020 @ 6:00pm

ACTION REQUESTED:

A recommendation to City Council for approval or disapproval of an Amendment to the Official Zoning Map of the City of Las Vegas from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM 87701.

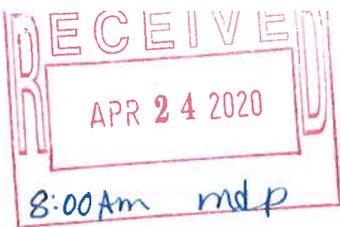
BACKGROUND:

Applicant, Center Pointe Development Group, LLC, and Owner Pay & Save, Inc., have applied for an amendment to the official zoning map of the City of Las Vegas. The application is to change the zoning on a 0.61 acres parcel ± located within T16n, R16e, Section 23 (projected) and known as 1412 – 6th Street, Las Vegas, New Mexico. The City's Planning & Zoning Commission held a public hearing on Tuesday, May 26, 2020 to review testimony in favor or opposition of the request. A total of 8 notices were mailed out to property owners within a radius of 100 feet. Several property owners were sent only one notice as they owned various properties in the area. None of the property owners were at the Planning & Zoning Commission meeting, but two (2) written comments were sent to Community Development with comments. One property owner stated he approved of the zone change, the other was opposed as he was concerned with more traffic in the area, as NM Hwy 518 is nearby and intersects with Mills Avenue, which in turn intersects with 6th Street. The Planning Commission made the recommendation for approval for the requested zone change, with a requirement that the applicant meet with NM Department of Transportation or the owner of Mills Avenue regarding concerns on the entrance/exit closer to Mills Avenue.

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. Center Pointe Development Group, LLC submitted their application on April 24, 2020 and it is signed by the property owner.

EXHIBITS

Exhibit No.	Description (Document Name, date, and number of pages)
1	Application to re-zone property located at 1412 - 6 th Street, Las Vegas, New Mexico, received on April 24, 2020 - - 1 Page



CITY OF LAS VEGAS ZONE CHANGE APPLICATION

Name of applicant(s): Center Pointe Development Group / J. Clint Jamison
Address of applicant: 4014 N. Goldwater Blvd, #204, Scottsdale, AZ 85251
Property interest of applicant(s): Purchaser / currently under contract
Owner, under contract, purchaser, etc.

Home phone #: _____ work #: 602 538 3637 cell#: 602 538 3637

Address of property to be rezoned: APN = 1-095-093-029-490
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? undeveloped residential land
Commercial, residential, agricultural

Why do you want to rezone your property? we would like to develop this property for a 2,200 sf coffee shop with a drive thru



Signature of applicant

Date 4/22/20



Signature of owner
(If different from applicant) T. J. Jamison / CEO
Pay and Sons, Inc.

Date 4/22/20

	This area to be filled in by staff	
Document #	<u>1-11</u>	page <u>201201271</u> of recorded deed <u>April 5, 2012</u>
2. Present zone classification?	<u>R-1 (Single Family Residential Zone)</u>	
3. What will the zone classification be after the zone change?	<u>C-3 (General Commercial Zone)</u>	
Date fee was paid?	<u>4-29-20</u>	receipt # <u>00702179</u>
Amount paid?	<u>\$320.00</u>	
Please provide applicant with copy of this application		

Pay and Save Undeveloped Land – Proposed Address: 1412 6th Street



History

The subject property is a .65 AC parcel located in Las Vegas, NM and is currently zoned R1. The property has never been developed and has been mainly used as overflow parking or for temporary type uses over the years.

Hours

Regarding store hours, they have not been determined at this time, but a typical store is open anywhere from 5:00 AM to 10 PM. We expect that the store hours will be comparable to their other stores' operating hours.

Surrounding Land Uses

- North – Mills Ave (Right of Way)
- South – Undeveloped R1 land
- East – Undeveloped R1 land
- West – Lowes Food Stores

Project Benefits

Our proposed project will benefit the community and surrounding area in multiple ways. First of all, we will turn this vacant lot into a much needed service to the community on a highly trafficked road. Secondly, this would be occupied by a national tenant which runs a first class and hasn't closed any stores in spite of the current COVID crisis.

SPECIAL WARRANTY DEED

THE STATE OF NEW MEXICO)
) KNOW ALL MEN BY
) THESE PRESENTS
COUNTY OF SAN MIGUEL)

THAT LOWE'S FAMILY PARTNERSHIP, A Texas General Partnership, ("Grantor") for and in consideration of good and valuable consideration to it paid by PAY AND SAVE, INC., a Texas Corporation, whose address is 1804 Hall Avenue, Littlefield, Texas 79339 ("Grantee"), the receipt and sufficiency of which are hereby acknowledged and confessed by Grantor, has GRANTED, BARGAINED, TRANSFERRED AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, TRANSFER and CONVEY unto GRANTEE:

- a) That certain tract or parcel of land (the "Land") lying and being situated in, San Miguel county, Las Vegas, New Mexico and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes;
- (b) Any buildings and improvements situated on the Land, but specifically excluding any improvements or fixtures owned by any tenant or otherwise considered the property of any tenant under any lease (the "Improvements"); and
- (c) All right, title and interest of Grantor in and to all appurtenances pertaining to the Land and the Improvements, including all right, title and interest of Grantor in and to adjacent streets, alleys, easements and rights-of-way, together with (i) all estates, interest, licenses, rights, titles, powers and privileges of Grantor in and to all rights-of-way and rights of ingress and egress used in connection with the Land or the Improvements, (ii) all estates, mineral rights, easements, interest, licenses, rights, titles, powers and privileges of Grantor in and to the Land; (iii) all estates, easements, interests, licenses, rights, titles, powers and privileges of Grantor in and to the real estate lying in the streets, roads, alleys, ways, sidewalks or avenues, open or proposed, affecting, crossing, bounding, in front of, or adjoining, the Land, including, without limitation, any unpaid awards or damages payable by reason of damage thereto or by reason of a widening of or changing of the grade with respect to same, and in and to any strips or gores of real estate abutting, bounding, adjoining or which are adjacent or contiguous to the Land; and (iv) all estates, easements, interest, licenses, rights, titles, powers and privileges appurtenant or incident to the foregoing;

(the Land, the Improvements and such rights and appurtenances being hereinafter referred to collectively as the "Property").

TO HAVE AND TO HOLD the Property, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT and FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions, unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof; by, through or under Grantor, but not otherwise.

GRANTEE, ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES (OTHER THAN THE SPECIAL WARRANTY OF TITLE CONTAINED HEREIN), PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO (A) THE NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE

SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON. (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, INCLUDING, WITHOUT LIMITATION, THE AMERICANS WITH DISABILITIES ACT AND ANY RULES AND REGULATIONS PROMULGATED THEREUNDER OR IN CONNECTION THEREWITH, (E) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, OR (F) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING SOLID WASTE, AS DEFINED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY REGULATIONS AT 40 C.F.R., PART 261, OR THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY, OF ANY HAZARDOUS SUBSTANCE, AS DEFINED BY THE COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, AS AMENDED, AND APPLICABLE STATE LAWS, AND REGULATIONS PROMULGATED THEREUNDER. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, GRANTEE IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED OR TO BE PROVIDED WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT GRANTOR HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT THE SALE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS, WHERE IS" CONDITION AND BASIS "WITH ALL FAULTS".

Grantee, by its acceptance hereof, assumes payment of all 2012 taxes and all subsequent taxes.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Special Warranty Deed to be executed on the 26th day of March 2012.

GRANTOR:

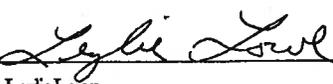
LOWE'S FAMILY PARTNERSHIP

A Texas General Partnership

By: 

Roger Lowe, Jr.

General Partner

By: 

Lezie Lowe

General Partner

EXHIBIT "A"

The land, building and related improvements located at 625 Mills Avenue, Las Vegas, New Mexico 87701, in San Miguel County, New Mexico, and more specifically described as follows:

TRACT I:

Starting from a monument set at the intersection of Sixth Street and Friedman Avenue in the City of Las Vegas; thence N 27° 45' 54" W, 500.50 feet to a second monument set at the intersection of Sixth Street and Raynolds Avenue; thence N 27° 45' 54" W, 230 feet to a point which is the southeast corner of the tract to be described and the point and place of beginning; thence S 62° 14' 06" W, 334.90 feet to a point on the east edge of Seventh Street; thence N 20° 51' 33" W, 40.76 feet to a point; thence N 08° 18' 16" W, 230.00 feet to a point; thence N 28° 09' 23" E, 83.91 feet to a point on the south edge of Mills Avenue which point is also a New Mexico Highway Department Right of Way Marker; thence N 63° 49' E, 183.94 feet to a point which is the northeasterly corner of the tract herein described; thence S 27° 45' 54" E, 299.27 feet to the point and place of beginning, said property being located in the Old Raynolds and Harrold Addition to the City of Las Vegas and as shown on that certain plat number L72-1LV-24D, dated January 1972, prepared by Ballew & Associates, P. A. and revised February 22, 1972 and prepared for Gertrude M.

TRACT II:

Starting at a point that is the monument situated at the intersection of Sixth Street and Friedman Avenue; thence N 27° 45' 54" W, 500.50 feet to another monument set at the intersection of Sixth Street and Raynolds Avenue; thence N 27° 45' 54" W, 529.27 feet to a point; thence N 63° 49' E, 40.02 feet along the south edge of the Mills Avenue right of way to the point and place of beginning, which is the northwest corner of the tract herein described; thence N 63° 49' E, 142.55 feet to the northeast corner of this tract where a property pin has been set; thence S 27° 45' 54" E, 184.23 feet to the southeast corner of the tract herein described; thence S 62° 14' 06" W, 142.50 feet, this line being coincident with the south line of Lot 4, Block 7 of the Raynolds & Harrolds Addition to the City of Las Vegas; thence N 27° 45' 54" W, 188.16 feet to the point and place of beginning, all as shown on that certain plat number L72-1LV-24D, dated January 1972, prepared by Ballew & Associates, PA. and revised February 22, 1972 and prepared for Gertrude M. Rogers.

Before me, the undersigned authority, on the 26th day of March, 2012
the person whose name is signed appeared and duly sworn by me, states under oath that he
or she has read this document and that all facts therein set forth are true and correct.

Sign Here Dixie Elaine Jaquess

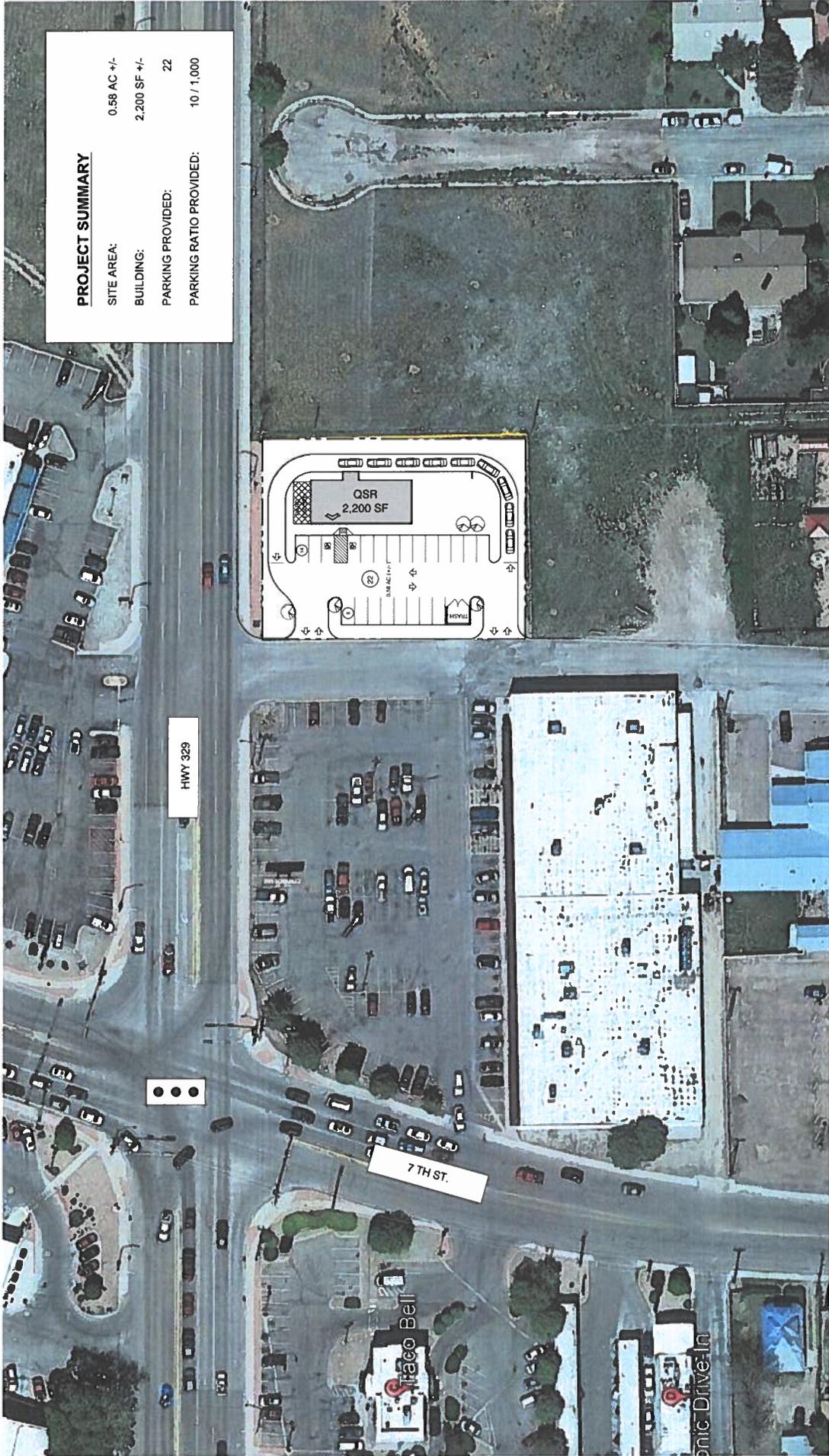
Seal



COUNTY OF SAN MIGUEL) SPECIAL WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of April, 2012 at 11:21:28 AM
And Was Duly Recorded as Instrument #201201271
Of The Records Of San Miguel

Witness My Hand And Seal Of Office
Melanie Y. Rivera
Deputy Y.M. Sella County Clerk, San Miguel, NM



PROJECT SUMMARY

SITE AREA: 0.58 AC +/-
 BUILDING: 2,200 SF +/-
 PARKING PROVIDED: 22
 PARKING RATIO PROVIDED: 10 / 1,000

NOTE: PROPERTY DIMENSIONS AND AREA TO BE VERIFIED BY SURVEY.

Las Vegas, NM
 CenterPointe Real Estate
 4014 N. Goldwater Blvd., Suite 204
 Scottsdale, AZ 85251

Site Scheme-A
 SCALE: 1" = 30' - 0"

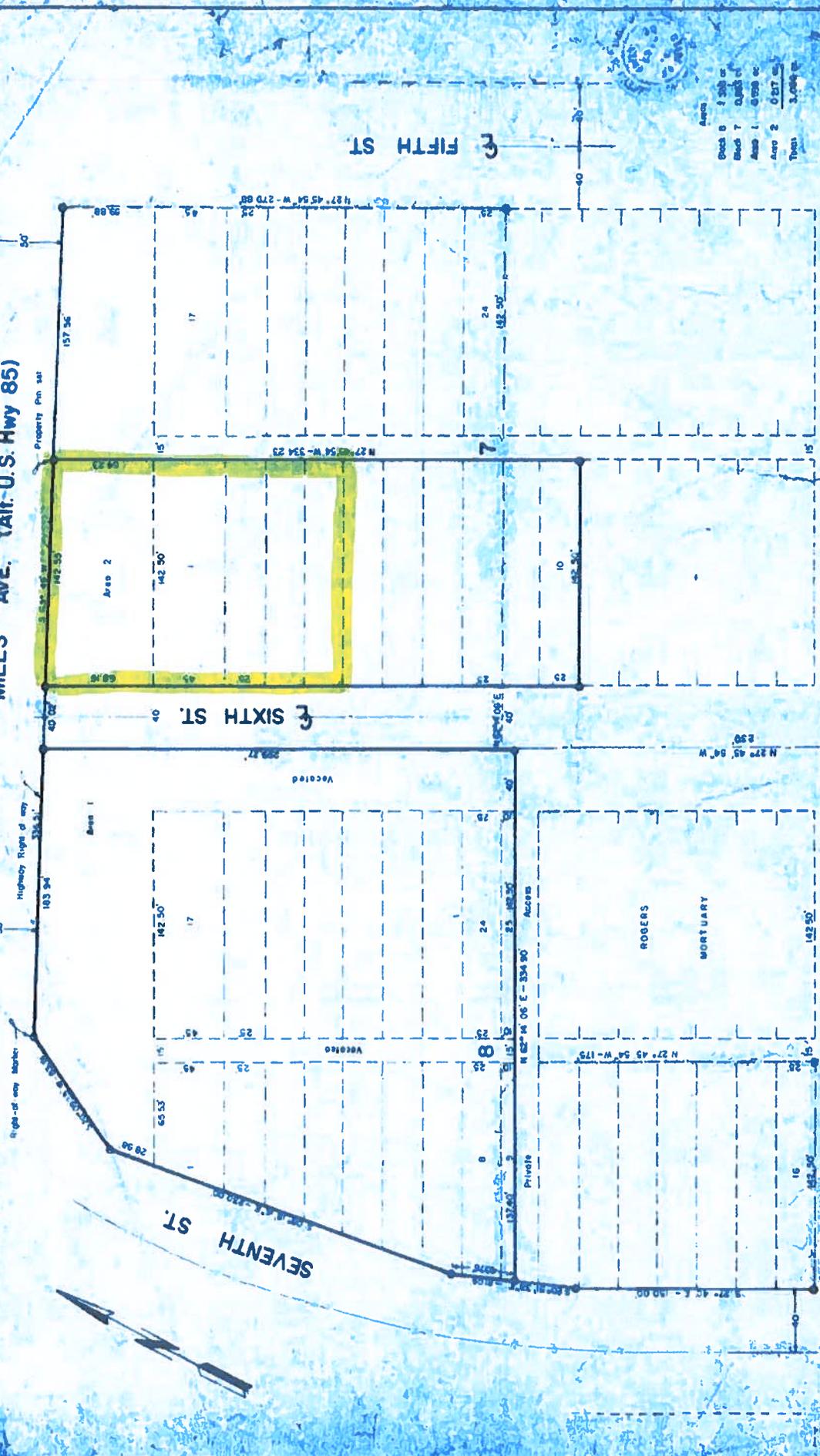
DATE:	03/05/2020
G3 JOB #:	20-XXX
DATE:	
REVISIONS:	



© G3 ARCHITECTURE 2017. ALL RIGHTS RESERVED.
 THIS INFORMATION IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OR A CONTRACT. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

NOTE: Drawings are referenced to N.M.S.T.O. or W information

MILLS AVE. (Alt. U.S. Hwy 85)



Area	Area
Area 1 - 0.208 ac	Area 2 - 0.217 ac
Area 2 - 0.217 ac	Area 3 - 0.217 ac
Total 0.642 ac	

PROPERTY SURVEY

Prepared by: **WILLIAM B. ROBERTSON, P.E.**

Survey No. **100-100-0000**

Section **34**

Range **10N**

Meridian **T10N**

County **Lincoln**

State **Nebraska**

Date **10/10/2010**

I, J.C. Roberts, State Surveyor certify that the plat was prepared from field notes or other surveys made by me or under my supervision and that the same is correct and true to the best of my knowledge and belief.

J.C. Roberts

J.C. Roberts, State Surveyor, 508 N. 10th St., Lincoln, Nebraska

RAYMONDS AVE.

ROGERS MORTUARY

Private Access

VEICLED



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

June 3, 2020

J. Clint Jameson, Managing Partner
Center Pointe Development Group, LLC
4014 N. Goldwater Blvd., Ste. 104
Scottsdale, AZ 85281

Dear Mr. Jameson:

This is to formally give you notice that the Planning and Zoning Commission on May 26, 2020 recommended approval of your application to re-zone the property located at 1412 – 6th Street, Las Vegas, New Mexico. The Commission recommended that you have the owners of Mills Avenue review the proposed plans, to ensure that the north entrance to the project meets with their requirements.

The City Council will consider the Commissions' recommendation at their regular meeting to be held on **Wednesday, June 17, 2020 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 to do so. If you choose, you may bring in written statements from other parties in support of your request.

If you have any questions, please feel free to contact me at (505) 454-1401, ext. 1608 or via email at: mariaperea@lasvegasnm.com.

Sincerely,

Maria D. Perea
Planning & Zoning Coordinator

David Ulibarri
Councilor Ward 1

Michael L. Montoya
Councilor Ward 2

Joseph P. Baca
Councilor Ward 3

David G. Romero
Councilor Ward 4



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

June 3, 2020

Pay & Save, Inc.
ATTN: Ronnie Rogers
P. O. Box 1430
Littlefield, TX 85281

Dear Mr. Rogers:

This is to formally give you notice that the Planning and Zoning Commission on May 26, 2020 recommended approval of your application to re-zone the property located at 1412 – 6th Street, Las Vegas, New Mexico. The Commission recommended that you have the owners of Mills Avenue review the proposed plans, to ensure that the north entrance to the project meets with their requirements.

The City Council will consider the Commissions' recommendation at their regular meeting to be held on **Wednesday June 17, 2020 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.

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If you have any questions, please feel free to contact me at (505) 454-1401, ext. 1608 or via email at: mariaperea@lasvegasnm.com.

Sincerely,

Maria D. Perea
Planning & Zoning Coordinator

David Ulibarri
Councilor Ward 1

Michael L. Montoya
Councilor Ward 2

Joseph P. Baca
Councilor Ward 3

David G. Romero
Councilor Ward 4

APPLICATION FOR ZONE CHANGE - - An Application for Zone Change from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM 87701. Purpose of the Zone Change is for the purpose of construction of 2,200 square feet building to open a Coffee Shop with a drive thru area.

APPLICANT(S): J. Clint Jameson, Man. Partner
Center Pointe Development Group, LLC
4014 N. Goldwater Blvd., Ste. 204
Scottsdale, AZ 85251

1-095-093-029-490 - - Lots 1, 2, 3 & 4, Block 7, Harold & Reynolds Addition
T16n, R16e, Section 23
Special Warranty Deed recorded on April 5, 2012, Instrument # 201201271
(Applicants only purchasing Tract II as noted on deed)

OWNER(S): Pay & Save, Inc.
ATTN: Ronnie Rogers
P. O. Box 1430
Littlefield, TX 79339

1. 1-095-093-012-260
Legacy Mills, Inc.
600-620 Mills Avenue
Las Vegas, NM 87701

2. 1-095-093-055-013
Rogers Mortuary, Inc.
600 Reynolds Avenue
Las Vegas, NM 87701

3. 1-095-093-004-478
Pay & Save, Inc.
Southwest Property Tax
P. O. Box 5037
Granbury, TX 76049

4. 1-095-093-004-477
Rogers Mortuary, Inc.
600 Reynolds Avenue
Las Vegas, NM 87701

5. 1-095-093-020-454
Rogers Mortuary, Inc.
600 Reynolds Avenue
Las Vegas, NM 87701

6. 1-095-093-035-472
Highland Real Estate, LLC
2306 Collins Drive
Las Vegas, NM 87701

7. 1-095-093-040-485
Dolores Ruiz Marquez
510 Reynolds Avenue
Las Vegas, NM 87701

8. 1-095-093-047-504
Rogers Mortuary, Inc.
600 Reynolds Avenue
Las Vegas, NM 87701

APPLICATION FOR ZONE CHANGE - - An Application for Zone Change from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM 87701. Purpose of the Zone Change is for the purpose of construction of 2,200 square feet building to open a Coffee Shop with a drive thru area.

J. Clint Jameson, Man. Partner, Center Pointe Development Group

Page 2

9. 1-095-093-045-487
Highland Real Estate, LLC
2306 Collins Drive
Las Vegas, NM 87701

10. 1-095-093-051-474
Anselmo Valdez
1403 – 5th Street
Las Vegas, NM 87701

11. 1-095-093-055-454
Leroy Jaramillo
500 Reynolds Avenue
Las Vegas, NM 87701

ONLY ONE (1) LETTER SENT - - All properties belong to Rogers Mortuary , Inc.

ONLY ONE (1) LETTER SENT - - Both properties belong to Highland Real Estate, LLC

Above list was compiled on April 24, 2020 as per September 30, 2015 Map/Parcel Data provided by the San Miguel County Assessor's Office. List was verified on May 6, 2020 per information obtained from the San Miguel County Assessor's Office On-Line Land Records for 2019 and are current. Information was compiled and verified by Maria D. Perea, Planning & Zoning Coordinator for Community Development Department.



The Board of Adjustment and Planning & Zoning Commission will hold a **PUBLIC HEARING** on Tuesday, May 26, 2020 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 a C-3 (General Commercial Zone) for the purpose of construction of a building for a Coffee Shop with drive thru services. Application was submitted by Pay & Save, Inc. (Owners) and CenterPointe Development Group, LLC (Applicants). The property is located at 1412—6th Street, Las Vegas, NM 87701. 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 **VACATION**. Until further notice, you may submit written testimony in favor or in opposition to this request. The written testimony will be read into the record and made a part of the Record Proper. Written statements will be accepted until 2:00pm on Tuesday, May 26, 2020. Statements may be sent via fax to (505) 425-7335, Attention: Maria Perea or via email at mariaperea@lasvegasnm.gov. Any applicant aggrieved by the decision of the Board of Adjustment and Planning & Zoning Commission, may file a written notice of appeal.

If you require further information, please contact Maria Perea, Planning & Zoning Coordinator at (505) 454-1401, Ext. 1608 or via email: mariaperea@lasvegasnm.gov.

CITY OF LAS VEGAS

COMMUNITY DEVELOPMENT DEPARTMENT
1700 NORTH GRAND AVENUE
LAS VEGAS, NEW MEXICO 87701

'NOT TO SCALE'



EIGHTH STREET

C-3
06-14

C3
99-6

C3
72-31

C3
84-21

C-2
05-21

O1
01-12

C-3
08-09

C-2
07-26

C1
99-24

O1
70-2

O1
80-21

C2
98-12

78-15

C3

C3
78-4

R2

R1

MILLS AVENUE

C3
84-13

9

C3

79-34

8

C3

7

R1

6

RAYNOLDS AVENUE

REHAB.
CENTER

2

3

O1
86-27

4

5

FRIEDMAN AVENUE

R.H

O1
75-95

TH STREET

ENTH STREET

H STREET

STREET

TH STREET

R1
R.H.S.

ROBERT
ATH
FIE

R3
80-25



June 3, 2020 | 7

05-425-6796
asoptic.com
asoptic.com

**NOTICE OF THE
CITY OF LAS VEGAS
City Council Meeting**

Notice is given that the Las Vegas City Council will hold a Public Hearing on Wednesday, June 17, 2020 at 6:00 p.m., at the City of Las Vegas Council Chambers, 1700 N. Grand Avenue, Las Vegas, New Mexico 87701.

The public is invited to attend. The following items will be presented to City Council by Community Development:

1. Conduct a Public Hearing and Approve/Disapprove the adoption of Resolution # 20--09, an amendment to the Official Zoning Map for the vacation of a portion of 4th Street, between Friedman Avenue and Baca Avenue as submitted by the Las Vegas City Schools

2. Conduct a Public Hearing and Approve/Disapprove the adoption of Ordinance # 20-02, for an amendment to the Official Zoning Map for rezoning of property located at 1412 - 6th Street from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) as submitted by Center Pointe Development Group, LLC (Applicant) and Pay & Save, Inc. (Owners).

The City Council may convene in Executive Session if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.

CITY OF LAS VEGAS
/s/ Casandra Fresquez
City Clerk
PUB: Las Vegas Optic,
June 3, 2020
#20060179

PLANNING & ZONING COMMISSION

**RECORD PROPER
ZONE CHANGE APPLICATION**

Applicant: J. Clint Jameson, Managing Partner
Center Pointe Development Group, LLC

Owner: Pay & Save, Inc.
Littlefield, TX

Location: 1412 – 6th Street
Las Vegas, NM 87701

Date: Tuesday, May 26, 2020 @ 4:00pm

ACTION REQUESTED:

A recommendation to City Council for approval or disapproval of a Zone Change from an R-1 (Single-Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, NM 87701.

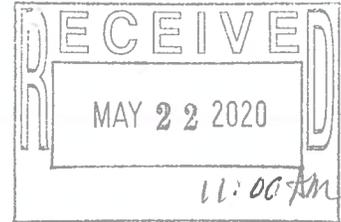
BACKGROUND:

Applicant, Center Pointe Development Group, LLC and Owner, Pay & Save, Inc. are requesting a Zone Change for property located at 1412 – 6th Street, Las Vegas, NM from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone). The purpose of the Zone Change request is to allow the development and construction of a 2,200 square foot Coffee Shop with drive thru convenience at this location.

EXHIBITS

Exhibit No.	Description (Document Name, date, and number of pages)
1	Zone Change Application, filed on April 24, 2020 – 1 page
2	Letter of Intent dated April 24, 2020 – 3 pages
3	Special Warranty Deed recorded at the San Miguel County Clerk's Office on April 5, 2012 as Instrument No. 201201271 – 4 pages NOTE: Tract II is what is being sold.
4	Site plan of proposed project – 1 page
5	Notice of Public Meeting to Applicant and Owner, dated May 8, 2020 – 2 pages
6	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 with approximate area of subject property circled – 5 pages
7	Aerial of area with Subject Property highlighted – 1 page

8	Copies of Certified Mail receipts showing name of persons sent a notice, with the date they were mailed stamped on them - - 3 pages
9	Photo of signs posted on Subject Property regarding the Zone Change Request Application - 4 pages NOTE: Signs posted twice, as the wind blew first set away
10	Copy of Notice published in the Las Vegas Optic on May 8, 2020 - 1 page
11	P&Z Staff Report - 3 pages



Anselmo Valdez
1403 5th Street
Las Vegas, NM 87701

May 22, 2020

City of Las Vegas
Community Development Department
1700 North Grand Avenue
Las Vegas, NM 87701

To Whom It May Concern:

This correspondence is in opposition to the proposed businesses on the corner of 6th Street and Mills Avenue, which would be located on or at the northeast corner of the east Lowe's customer parking lot. The concerns will specifically address the already congested traffic flow throughout this region.

Sixth Street and highway 518, an already congested thoroughfare, would be the major point of entry and exit for the new said business. Establishment of said business would put excess strain on an already congested roadway.

Without additions to the infrastructure that is already in place, the excess traffic will negatively affect the neighboring homeowners. Further study should be made to allow for increased traffic in this particular area and road improvements must be addressed.

I strongly oppose additional businesses on the 1400 block of both 5th and 6th streets exiting to Mills Avenue.

Respectfully,

A handwritten signature in black ink, appearing to read "Anselmo Valdez". The signature is written in a cursive style with a large, sweeping initial "A".

Anselmo Valdez

Coffee Shop Drive Thru 1412 6th St., near by Property Owner Response 5.19.2020

Leroy Jaramillo <Leroy@billingsleyengineering.com>
To: "mariaperea@lasvegasnm.gov" <mariaperea@lasvegasnm.gov>
Cc: Pamela Martinez <pamela.annette@me.com>

Tue, May 19, 2020 at 1:19 PM

Good Morning, Maria Perea

I will vote in favor of going forward in developing a Coffee Shop at 1412 6th St. near my Property.



BILLINGSLEY ENGINEERING INC.

Respectfully,

Leroy C. Jaramillo

o) 505-454-9592

Laboratory Supervisor

P.O. Box 1120

c) 505-429-5204

/ Company Representative

901 6th St. Las Vegas, NM 87701

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On May 26, 2020, the Las Vegas Planning and Zoning Commission considered an application submitted by J. Clint Jameson, Managing Partner for Center Pointe Development Group, LLC (Applicant) and Pay & Save, Inc. (Owner) for an amendment to the City of Las Vegas Zoning Map. The proposed amendment would change the zoning of a 0.61 acre ± parcel within T16n, R16e, Section 23 (projected) from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th 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 May 8, 2020, faxed to area media on May 5 2020, mailed via certified mail on May 8, 2020 to property owners within 100 feet, and notice was posted on the external boundaries of the property on May 8, 2020 and again on May 20, 2020. Signs were posted twice because the wind blew away the first set posted.

APPLICATION

The applicant, Center Pointe Development Group, LLC, has applied for an amendment to the official zoning map of the City of Las Vegas. The application would change the zoning of a 0.61 acre ± parcel within T16n, R16e, Section 23 (projected) from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) for property located at 1412 – 6th Street, Las Vegas, New Mexico. The re-zone would allow applicants to construct a 2,200 square foot building for a Coffee Shop with drive-thru area. The proposed project is not allowed in the area as it is currently zoned.

LAND HISTORY

The property currently is vacant and, in the past, has been utilized as overflow parking for Lowe's Grocery Store and for other types of temporary uses.

TESTIMONY

Mr. J. Clint Jameson, Managing Partner for Center Pointe Development Group, LLC has stated in the application that the request is being made to allow them to open a Coffee Shop with drive-thru convenience in the area. Mr. Jameson was not at the meeting as he had a prior commitment and asked that Ms. Perea present the project. There were two written testimonials, which were read into the record and made a part of the Findings of Fact. One property owner advised that the project should be approved. Another property owner was against the project at this location because of the already congested traffic flow throughout this region. Property owner stated that without additions to the infrastructure already in place, the excess traffic would negatively impact the neighboring homeowners. He stated that a further study should be made to allow for increased traffic in the area and that road improvements need to be addressed.

Commission discussed the area where the entrances were located and were concerned with the north entrance/exit closer to Mills Avenue. The concern was that traffic flow would be impaired as customers left through this entrance.

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, with the stipulation that the project meets and satisfies requirements of the State Highway Department or owner of Mills Avenue with regards to the location of the north entrance and traffic flow in and out of the project area.

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 a C-3 (General Commercial Zone) with the stipulations noted above.

Signed this 5th day of June, 2020



Mack Crow
Planning & Zoning Commission Chairperson

**CITY OF LAS VEGAS, CITY COUNCIL
ORDINANCE NO. 20-02**

AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-1 (SINGLE FAMILY RESIDENTIAL ZONE) TO A C-3 (GENERAL COMMERCIAL ZONE) FOR PROPERTY LOCATED AT 1412 – 6TH STREET, LAS VEGAS, NEW MEXICO 87701 AT THE REQUEST OF THE PURCHASER, CENTER POINTE DEVELOPMENT GROUP, LLC AND THE PROPERTY OWNER, PAY & SAVE, INC.

WHEREAS, Center Pointe Development Group, LLC (“Purchaser”) desires to purchase from Pay & Save, Inc. (“Owner”) that certain real property located at 1412 6th Street in Las Vegas, Sandoval County, New Mexico 87701, described as:

Tract II

Starting at a point that is the monument situated at the intersection of Sixth Street and Friedman Avenue; thence N 27d 45’ 54” W, 500.50 feet to another monument set at the intersection of Sixth Street and Reynolds Avenue; thence N 27d 45’ 54” W, 529.27 feet to a point; thence N 63d 49’ E, 40.02 feet along the south edge of Mills Avenue right of way to the point and place of beginning, which is the northwest corner of the tract herein described; thence N 63d 49’ E, 142.55 feet to the northeast corner of this tract where a property pin has been set; thence S 27d 45’ 54” E, 184.23 feet to the southeast corner of the of the tract here described; thence S 62d 14’ 06” W, 142.50 feet, this line being coincident with the south line of Lot 4, Block 7, of the Reynolds & Harold Addition to the City of Las Vegas; thence N 27d 45’ 54” W, 188.16 feet to the point and place of beginning, all as shown on that certain plat number L72-1LV-24D, dated January 1972, prepared by Ballew & Associates, PA, and revised February 22, 1972 and prepared for Gertrude M. Rogers (“Property”).

WHEREAS, pursuant to City Ordinance 450-12, the City Council of the City of Las Vegas (“City Council”) may make changes to the Official Zoning Map; and

WHEREAS, pursuant to the Las Vegas City Zoning Ordinance, Purchaser and Owner petitioned the City of Las Vegas Planning and Zoning Commission (“Planning and Zoning”) for an amendment to the Official Zoning Map of the City of Las Vegas (“City); and

WHEREAS, on May 26, 2020, Planning and Zoning held a public hearing, after providing notice as required by law, for the purpose of receiving public input regarding the amendment of the Property’s zoning designation in the City’s Official Zoning Map from R-1 (Single Family Residential Zone) to C-3 (General Commercial Zone); and

WHEREAS, on May 26, 2020, Planning and Zoning held a public hearing, after providing notice as required by law, for the purpose of receiving public input regarding the amendment of

the Property's zoning designation in the City's Official Zoning Map from R-1 (Single Family Residential Zone) to C-3 (General Commercial Zone); and

WHEREAS, on May 26, 2020, pursuant to City Ordinance 18-14, Planning and Zoning adopted a motion recommending approval of Purchaser's and Owner's aforementioned proposed amendment to modify the zoning of the Property in the City's Official Zoning Map; and

WHEREAS, a copy of the survey of the Property, dated February 22, 1927, performed by Ballew & Associates, PA, is attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Las Vegas, that the Purchaser's and Owner's petition is granted and the Official Zoning Map is amended to reflect that the zoning classification of the Property is changed from an R-2 to C-3 effective immediately, and the recitals and any exhibits are incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this _____ day of June, 2020.

Louie A. Trujillo, Mayor

Reviewed and approved as to legal sufficiency only:

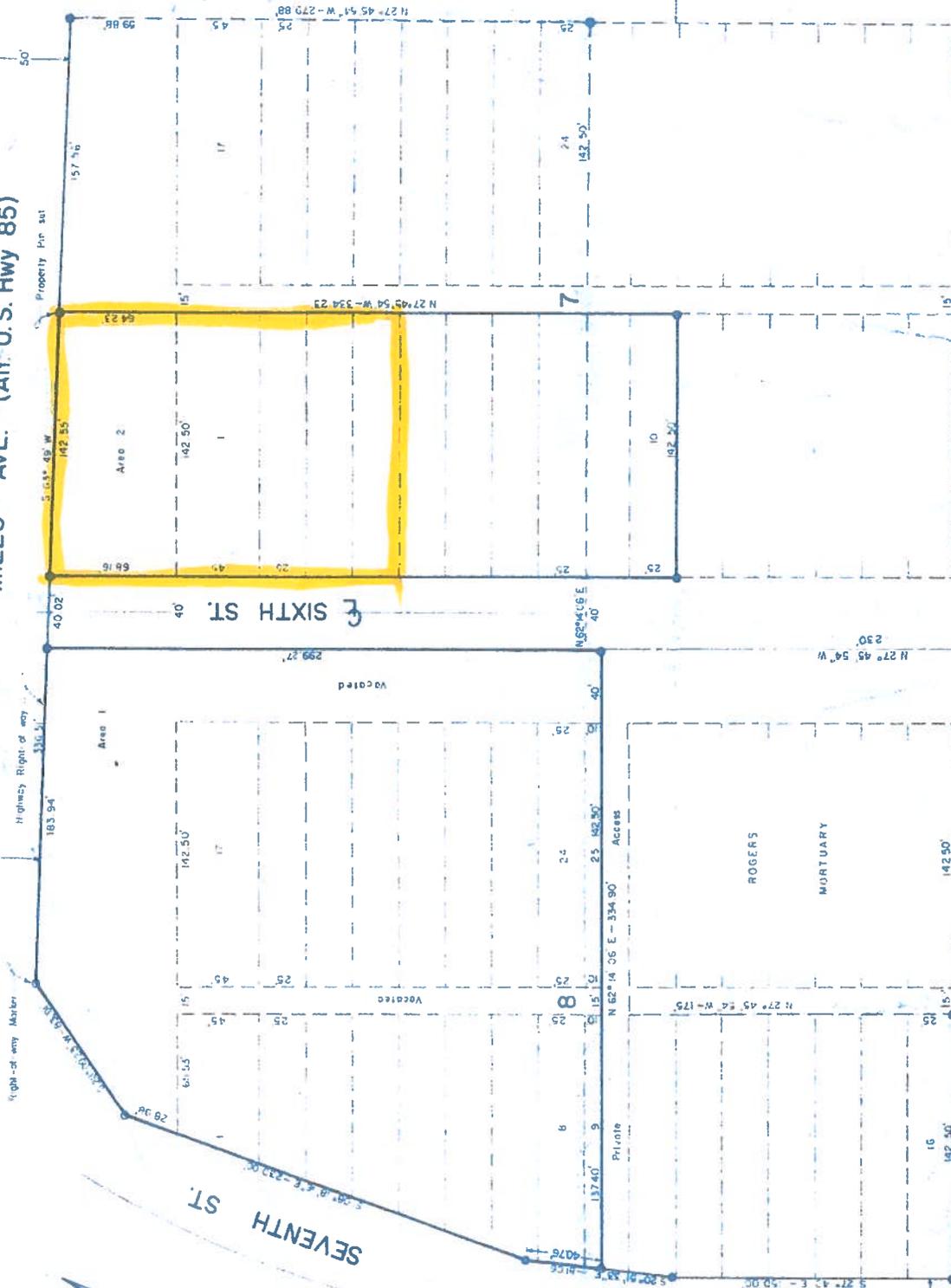
Scott Aaron, City Attorney

Attest:

Casandra Fresquez, City Clerk

NOTE: Bearings are referenced to N.M.S.M.D. R/W information

MILLS AVE. (Alt. U.S. Hwy 85)



Block	Area
Block 8	1,388 ac
Block 7	0,883 ac
Area 1	0,598 ac
Area 2	0,217 ac
Total	3,086 ac

SURVEYOR'S CERTIFICATE

I, J.E. Ballew, Jr., do hereby certify that this plat was prepared from field notes of actual surveys made under my direction and that the same is correct and true to the best of my knowledge and belief.

J. E. Ballew, Jr.
 J. E. Ballew, Jr., Reg. N.M. L.S. No. 3948

PROPERTY SURVEY

Prepared for: **GERTRUDE M. ROGERS**
 Los Vegas, New Mexico

Prepared by: **BALLEW & ASSOCIATES, P.A.**
 Surveyors
 1775 U.S. 240
 Las Vegas, N.M.

Map No. 40
 Prepared by: **BALLEW & ASSOCIATES, P.A.**
 Surveyors
 1775 U.S. 240
 Las Vegas, N.M.

EXHIBIT A



Approval Form

Date Submitted: June 3, 2020

Department Submitting: Comm. Development Point of Contact: Maria Perea

Documents to be reviewed: Draft Ordinance #20-02, Zone Change Request

Amount of Pages: 3 pages

Upon Completion of review: Return to Maria Perea

Deadline: ASAP

Comments: Copy of survey is attached with Tract II highlighted. Purchaser is having a new boundary survey completed which will be recorded. Copy of attached were also emailed to Mr. Aaron.

Please mark according to how they should be reviewed by the following:

Approved / Disapproved:

Mary Romero, Finance Director Date _____

Approved / Disapproved (as to legal sufficiency):

Scott Aaron
Scott Aaron, City Attorney Date 6/5/2020

Approved / Disapproved:

W. J. Taylor
William Taylor Ph.D., City Manager Date 6-5-2020

Documents Picked Up: _____

By: _____
Print Name

Signature

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: June 5, 2020 **DEPT:** Community Development **MEETING DATE:** June 17, 2020

ITEM/TOPIC:

A Resolution to Quitclaim a portion of 4th Street between Freidman Avenue and Baca Avenue, Las Vegas New Mexico as per Resolution # 20-09, amendment to the Official Zoning Map of Las Vegas.

ACTION REQUESTED OF COUNCIL:

Approval or Disapproval of Resolution 20-09, authorizing the City of Las Vegas to Quitclaim a portion of 4th Street as per Preliminary Plat attached as Exhibit A and legal description noted on the Resolution.

BACKGROUND/RATIONALE:

The Las Vegas City Schools, in order to provide security for Robertson High School and Middle School, appeared before the Planning & Zoning Commission on several occasions, the latest being on May 26, 2020. The Las Vegas City Schools is requesting that a portion of 4th Street that is located between two Las Vegas City Schools properties be vacated. The applicant's intent is to complete the construction of a security fence for the schools located there. The Las Vegas City Schools have obtained final approval from the State Fire Marshals Office and have complied with all requests by the Planning & Zoning Commission from previous meetings and have complied with concerns from property owners within the subject area.

STAFF RECOMMENDATION:

Consideration of and approval or disapproval of Resolution # 20-09 and all exhibits attached.

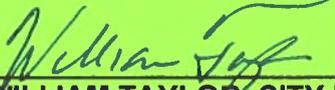
COMMITTEE RECOMMENDATION:

The Planning & Zoning Commission, after the May 26, 2020 meeting, recommends the approval of the Vacation of a portion of 4th Street as requested by the Las Vegas City Schools.



SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



WILLIAM TAYLOR, CITY MANAGER

SCOTT AARON, CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

MARY ROMERO, FINANCE DIRECTOR
(PROCUREMENT)

**CITY OF LAS VEGAS, CITY COUNCIL
RESOLUTION NO. 20-09**

A RESOLUTION TO QUITCLAIM OF A PORTION OF 4th STREET TO THE LAS VEGAS CITY SCHOOLS, WITHIN THE CITY OF LAS VEGAS.

WHEREAS, the Las Vegas City Schools (“LVCS”) applied for the vacation of a portion of the right-of-way on 4th Street, from a point north of Baca Avenue to a point south of Friedman Avenue (“ROW Portion”), as seen on the Boundary Survey by Winston & Associates LLC Land Surveying and attached hereto as **Exhibit A**;

WHEREAS, the legal description of the ROW Portion is as follows:

A tract of land lying and being situate within Section 23, Township 16 North, Range 16 East, N.M.P.M. as projected into the Las Vegas Land Grant, Las Vegas, San Miguel County, New Mexico, as shown on an unrecorded survey plat titled “BOUNDARY SURVEY PREPARED FOR LAS VEGAS CITY SCHOOLS,” prepared by Edward G. Winston, PLS 6999, drawing No. 018-074 and more particularly described by metes and bounds as follows:

Commencing at the State of New Mexico Triangulation station “GOLF” thence S09°06’43”E A Distance Of 2995.33’ to the northeast corner and **POINT OF BEGINNING** of this tract;
Thence S27°42’24”E A Distance Of 491.68’ to the SE’ly corner of the tract;
Thence S62°17’36”W A Distance Of 80.00’ to the SW’ly corner of the tract;
Thence N27°42’24”W A Distance Of 492.26’ to the NW’ly corner of the tract;
Thence N62°42’48”E A Distance Of 80.00’ to the **POINT OF BEGINNING**.

Said parcel contains .904 acres, more or less.

Said parcel is subject to any and all easements and matters of record.

WHEREAS, on May 26, 2020, the Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive public input concerning the proposed vacation of the ROW Portion and on May 26, 2029 adopted a motion recommending approval of the proposed vacation of the ROW Portion; and

WHEREAS, on June ___, 2020, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive public input concerning the recommendations of the Planning and Zoning Commission for the City of Las Vegas (“City”) to vacate the ROW Portion to LVCS.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Las Vegas, New Mexico, hereby incorporates the recitals and any exhibits herein by reference and grants the following action in response to LVCS’s application for the vacation of the ROW Portion. The Governing Body hereby adopts the following findings and resolves as follows:

1. The ROW Portion is currently being used predominantly as parking for students, faculty and staff at the Robertson High School campus;
2. The City does not have any use for the ROW Portion, because a permanent blockade has been in place for decades near 4th Street and Friedman Avenue (“Blockade”) which prohibits the public from using the ROW Portion as a public thoroughfare on 4th Street between Baca Avenue and Friedman Avenue;
3. The City would benefit by not having to maintain the ROW Portion;
4. The City should quitclaim the ROW Portion to LVCS on the condition that the City and LVCS use a form of quitclaim deed substantially similar to **Exhibit B** attached hereto, and execute an agreement similar in substance to **Exhibit C** attached hereto.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF June 2020.

Louie A. Trujillo, Mayor

Reviewed and approved as to legal sufficiency only:

Scott Aaron, City Attorney

Attest:

Casandra Fresquez, City Clerk

**BOUNDARY SURVEY OF A PORTION OF THE RIGHT-OF-WAY OF FOURTH STREET BETWEEN BLOCK 3 AND BLOCK 4
OF PABLO BACA'S ADDITION TO LAS VEGAS, SAN MIGUEL COUNTY, NEW MEXICO,
WITHIN THE LAS VEGAS LAND GRANT, PROJECTED SECTION 23, TOWNSHIP 16 NORTH, RANGE 16 EAST, N.M.P.M.**

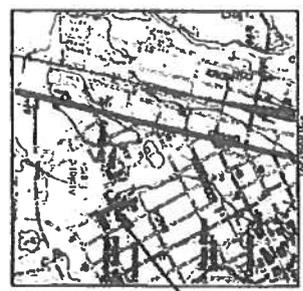
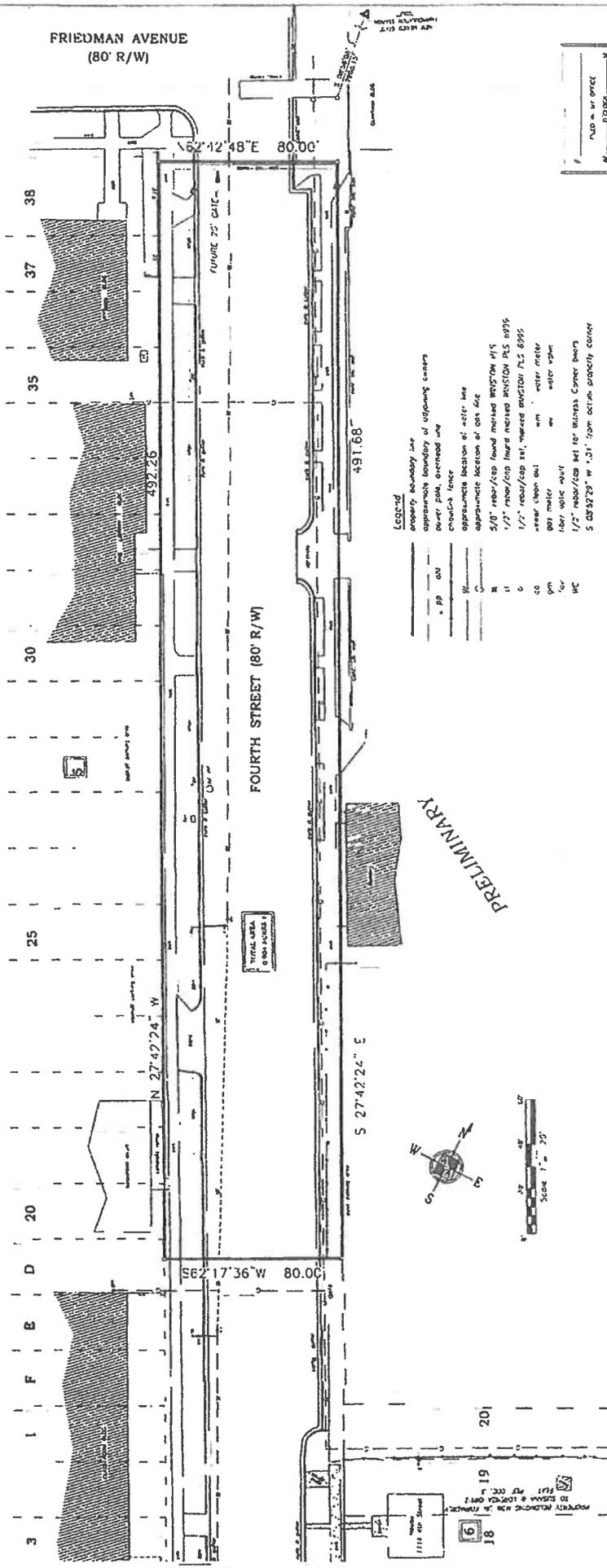


Exhibit A

SUBJECT PROPERTY

WINSTON & ASSOCIATES, INC.
LAND SURVEYING

- LEGEND**
- property boundary line
 - - - - - approximate boundary of adjoining owners
 - - - - - sewer pipe, sewerage only
 - - - - - church fence
 - - - - - approximate location of water line
 - - - - - approximate location of gas line
 - - - - - 5/8" rebar/cap found marked WINSTON #15
 - - - - - 1/2" rebar/cap found marked WINSTON #15 6995
 - - - - - 1/2" rebar/cap set, marked WINSTON #15 6995
 - - - - - sewer clean out
 - - - - - water meter
 - - - - - gas meter
 - - - - - fiber optic vault
 - - - - - 1/2" rebar/cap set for Winista Center doors
 - - - - - S 08°52'29" W 1.31' from station, property corner

PLD n. of PINE	—
BY	—
DATE	—
BY	—
DATE	—
BY	—
DATE	—

BOUNDARY SURVEY
LAS VEGAS CITY SCHOOLS

DATE: 10/18/2019

BY: [Signature]

STANDARD CERTIFICATION

I, [Name], State of New Mexico Registered Professional Land Surveyor No. 12126, certify that the survey shown on this plan was made by me or under my direct supervision and that I am a duly qualified and licensed land surveyor in the State of New Mexico.



REMARKS:

- The purpose of this survey is to determine the boundaries of a portion of the Right of Way of Fourth Street, 80 feet wide, and to show the location of the sewer, gas, and water lines.
- The survey was made on 10/18/2019.
- The general and special bearings may be subject to correction, reservations and readings as of record with BLS.
- According to the survey, the survey was made on 10/18/2019.

REFERENCE DOCUMENTS:

- Official map of the City of Las Vegas (East Las Vegas), New Mexico, prepared by Winston & Associates, Inc.
- Plat No. 1, 1911, prepared by Winston & Associates, Inc.

Approved by City of Las Vegas City Manager

DATE: 10/18/2019

AGREEMENT

This agreement ("Agreement") is being entered into on this ___ day of June, 2020 ("Effective Date") by and between the City of Las Vegas, a New Mexico home rule municipality ("City") and the Las Vegas City Schools ("LVCS"). Throughout this Agreement, either party may be referred to as "Party" or both parties may be referred to as "Parties".

RECITALS

WHEREAS, the City is the owner of that certain real property which shall be referred to as the "ROW Portion" shown on the Boundary Survey by Winston & Associates LLC Land Surveying and attached hereto as Exhibit A, and further described as:

A tract of land lying and being situate within Section 23, Township 16 North, Range 16 East, N.M.P.M. as projected into the Las Vegas Land Grant, Las Vegas, San Miguel County, New Mexico, as shown on an unrecorded survey plat titled "BOUNDARY SURVEY PREPARED FOR LAS VEGAS CITY SCHOOLS," prepared by Edward G. Winston, PLS 6999, drawing No. 018-074 and more particularly described by metes and bounds as follows:

Commencing at the State of New Mexico Triangulation station "GOLF" thence S09°06'43"E A Distance Of 2995.33' to the northeast corner and **POINT OF BEGINNING** of this tract;

Thence S27°42'24"E A Distance Of 491.68' to the SE'ly corner of the tract;

Thence S62°17'36"W A Distance Of 80.00' to the SW'ly corner of the tract;

Thence N27°42'24"W A Distance Of 492.26' to the NW'ly corner of the tract;

Thence N62°42'48"E A Distance Of 80.00' to the **POINT OF BEGINNING**.

Said parcel contains .904 acres, more or less.

Said parcel is subject to easements and matters of record.

WHEREAS, LVCS has requested the City vacate its interest in and to the ROW Portion;

WHEREAS, on May 26, 2020, the Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive public input concerning the proposed vacation of the ROW Portion and on May 26, 2020 adopted a motion recommending approval of the proposed vacation of the ROW Portion; and

WHEREAS, it is anticipated that the Governing Body of the City of Las Vegas, following adequate public notice, will hold a public hearing to receive public input concerning the recommendations of the Planning and Zoning Commission for the City to take action regarding the ROW Portion as it pertains to LVCS;

WHEREAS, the ROW Portion is currently being used predominantly as parking for students, faculty and staff at the Robertson High School campus;

WHEREAS, the City does not have any use for the ROW Portion as a permanent blockade has been in place for decades near 4th Street and Friedman Avenue ("Blockade") which prohibits the public from using the ROW Portion as a public right-of-way on 4th Street between Baca Avenue and Friedman Avenue;

WHEREAS, the City would benefit by not having to maintain the ROW;

WHEREAS, the City is agreeable to quitclaim the ROW Portion to LVCS on the condition that the City shall retain a permanent roadway and utility easement that runs with the land for unlimited access over and across the ROW Portion for gas, water, waste water, solid waste services and other future matters that may arise, and that the City's fire, police and other first responders be granted permanent and unlimited access to the ROW Portion at all times;

NOW THEREFORE, in consideration of the foregoing recitals, the covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and LVCS agree as follows and incorporate the Recitals and Exhibits herein by reference:

- 1. The City shall present a resolution to the City's Governing Body regarding the conveyance of the ROW Portion to LVCS.**
- 2. Upon the City's Governing Body approving the aforementioned resolution, the City will quitclaim the ROW Portion to LVCS.**
- 3. Upon the recording of said quitclaim deed, LVCS assume full responsibility for any and all maintenance of, and all other matters regarding, the ROW Portion.**
- 4. The City and LVCS agree that the City shall reserve in the quitclaim deed a permanent roadway and utility easement that runs with the land for unlimited access over and across the ROW Portion for gas, water, waste water, solid waste services and other future matters that may arise for which the City may need to exercise its easement rights.**
- 5. LVCS shall consult with the City, and specifically the City's Utilities Director, regarding any proposed gates, walls, fencing or other such improvements to ensure that such matters do not pose a burden or restraint to the City's easement to the ROW Portion or permanent and unlimited access by the City's fire, police or other first responders.**
- 6. LVCS shall remove the Blockade at their own expense, and not install any further barriers across or impediments to the ROW Portion without the prior written consent of the City.**
- 7. Any notice to be given by either party to this Agreement, except those notices specifically provided for in a different manner herein, shall be given in writing and may be sent by personal delivery email (if an email address is provided herein) or otherwise sent by United States mail, postage prepaid, addressed as follows:**

If to the City:

City of Las Vegas
Attn: City Manager and City Clerk
1700 N. Grand Avenue
Las Vegas, New Mexico 87701

With a copy to:

City of Las Vegas
Attn: City Attorney
1700 N. Grand Avenue
Las Vegas, New Mexico 87701

If to LVCS:

Las Vegas City Schools
Attn: L. Larryssa Archuleta, Superintendent
~~PO Box~~ 901 Douglas Avenue
Las Vegas, New Mexico 87701

7. This Agreement, including the Exhibits attached hereto, contains the entire understanding and meeting of the minds between the City and LVCS pertaining to the transaction contemplated by this Agreement and fully replaces all prior agreements and understandings between the City and LVCS regarding such transaction. In the event there is any conflict among this Agreement and the Exhibits or Agreement Documents, the provisions of this Agreement shall be controlling.

8. In the event of any controversy, claim or dispute between the City and Contractor affecting or relating to the subject matter or performance of this Agreement, the prevailing party, regarding or whether the matter is resolved by mediation, arbitration, settlement, trial or any other manner, shall be entitled to recover from the non-prevailing party all of the prevailing party's reasonable expenses, including without limitation, attorneys' fees, accountants' fees, witness' fees, consultants' fees and court costs.

9. The provisions of this Agreement and of any other documents to be executed and delivered in connection with this Agreement are and will be for the benefit of the City and LVCS only and are not for the benefit of any third party, and accordingly, no third party shall have the right to enforce the provisions of this Agreement or of any other documents to be executed and delivered in connection with this Agreement. By entering into this Agreement, the City and LVCS do not intend to create any right, title or interest in or for the benefit of any person or entity other than the City and LVCS.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico. Each of the parties hereby irrevocably submits to and accepts the jurisdiction and venue of the Fourth Judicial District Court in Las Vegas, New Mexico, or alternatively the 10th District Court in Albuquerque, New Mexico.

11. This Agreement may only be amended if said amendment is in writing and signed by the City and LVCS.

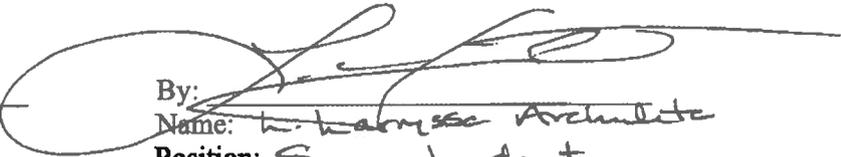
12. If any term, provision or part of this Agreement is held to be void or unenforceable by a court of competent jurisdiction, then the remaining terms, provisions and parts of this Agreement shall continue to be valid and binding.

IN WITNESS WHEREOF, the City and Contractor hereto have read, understand and had the opportunity to have an attorney of their choosing review this Agreement, and through their duly authorized agents, by their signatures below, agree to be bound by the terms of this Agreement, and thereby execute this Agreement as of the Effective Date.

City of Las Vegas,
A New Mexico home rule municipality

Las Vegas City Schools

By: _____
William Taylor, City Manager

By: 
Name: L. Larissa Archuleta
Position: Superintendent

Approved as to legal sufficiency only:

By: _____
Scott Aaron, City Attorney

Attest:

By: _____
Casandra Fresquez, City Clerk

**CITY COUNCIL
RECORD PROPER**

Applicants/Owners: Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

Location: Portion of 4th Street, between Baca Avenue
and Friedman Avenue - - See survey

Hearing Date: Wednesday, June 17, 2020

ACTION REQUESTED:

Approve or disapprove the adoption of Resolution No. 20-09 for the Vacation of a portion of 4th Street, as shown on attached Preliminary Boundary Survey. Application was submitted by the Las Vegas City Schools.

BACKGROUND:

The Las Vegas City Schools have applied for a Vacation of 4th Street, between Baca Avenue and Friedman Avenue, Las Vegas, New Mexico. The application is to vacate an area of 4th Street which is located between two school properties to fence off the school property for security purposes. The property is approximately 0.904 acres ±, within the Pablo Baca Addition, in T16n, R163, Section 23 (Projected), as per the Preliminary Boundary Survey completed by Winston & Associates, LLC, Plat #018-074.

The Planning & Zoning Commission has held three meetings regarding this project. The first meeting was on July 29, 2019 and after hearing testimony on the project, the Commission denied the application for vacation until the School District provided additional information. A letter was sent to the School District outlining the concerns and requirements prior to proceeding with the project. A copy of the letter is attached as an exhibit.

The second meeting was on February 24, 2020, as the School District advised that they had complied with all the requirements. The meeting was table by the Commission until the School District complied with having meetings with the property owners in the area. There were other concerns at this meeting which are outlined separately and attached as an exhibit.

The third meeting was on May 26, 2020. There were no comments/concerns for or against the project submitted for this meeting by property owners in the area. After reviewing all testimony presented, the Commission made the recommendation for approval of the vacation of a portion of 4th Street.

In accordance with Chapter 450-98 of the zoning ordinance, Boundaries of zones established by this chapter or the classification of property used herein may be amended whenever public necessity, convenience or general welfare require it. Application was submitted by the Las Vegas City Schools in order fence of school property for the safety of the teachers and students at the schools in the area.

EXHIBITS

Exhibit No.	Description (Document Name, date, and number of pages)
1	Application for Vacation of a portion of 4 th Street submitted on April 25, 2019. Application was incomplete and information was requested. All the information was submitted in June 2019 - - 1 Page
2	Revised Preliminary Boundary Survey # 018-074, completed by Winston & Associates, LLC for the Las Vegas City School for the Vacation of a portion of 4 th Street - - 1 Page
3	Letter to applicant and owner advising of the City Council meeting date and time, dated June 3, 2020. Same letter was mailed to Project Manager - - 2 Pages
4	Revised plans for the fence and area the Las Vegas City Schools is trying to vacate - - 1 page
5	Summary of comments requested and submitted by the Fire Department, Water Department, Gas Department, Wastewater Department, Solid Waste Department and Public Works Department - - 1 Page
6	Copy of letter sent to the Las Vegas City Schools Superintendent, Ms. Larryssa Archuleta, regarding the concerns brought up at the July 29, 2019 meeting, and which need to be addressed - - 2 Pages
7	E-mail from Phillip Martinez, Project Coordinator dated August 21, 2019, detailing the changes from the original plans being implemented regarding the fence and portion of 4 th Street - - 2 Pages
8	Correction Notice from the New Mexico State Fire Marshal's Office dated November 12, 2019. The inspection of the premises was conducted on October 9, 2019 - - 7 pages
9	E-mail from the New Mexico State Fire Marshal's Office dated November 26, 2019 requesting information on points noted on the inspection report - - 1 page
10	E-mail from the New Mexico State Fire Marshal's Office dated January 22, 2020 confirming the review of and approval of the revised plans - - 3 pages
11	Information on security measures being implemented for egress/ingress to the subject property by First Responders - - 2 pages
12	Information of security measures being implemented/corrected for the building doors and signs - - 6 Pages
13	List of concerns by property owners and Commission at the February 24, 2020 Planning & Zoning Commission meeting - - 1 Page
14	Copies of notice from the Las Vegas City Schools for a Community Meeting held on Thursday, February 27, 2020, copy of the sign-in sheet of attendees at the meeting and a copy of the concerns brought up and the priorities identified - - 3 Pages
15	E-mail from State Fire Marshal's Office to former City Manager and others regarding recommendations for the parking issues in the area, dated February 25, 2020 - - 2 Pages

16	List of property owners within 100-feet of the subject property that were sent a notice on May 8, 2020 via certified mail, a copy of the Assessor's Map of the area, an updated vicinity map and zoning map of the subject property - - 7 Pages
17	Copy of the legal notice published in the Las Vegas Optic on June 3, 2020 for the City Council Meeting - - 1 Page
18	Copies of the Planning & Zoning Record Proper for the February 24, 2020 and May 26, 2020 meetings, which were approved - - 4 Pages
19	Findings of Fact and Conclusions of Law and recommendations by the Planning & Zoning Commission, approved on June 5, 2020 by Commission Chairperson - - 2 Pages
20	Resolution No. 20-09, submitted to City Attorney and City Manager for review and approval, approved and returned on June 5, 2020. Also included is a Preliminary Survey (Exhibit A), Quitclaim Deed (Exhibit B) and Agreement between the Las Vegas City Schools and the City of Las Vegas (Exhibit C) - - 9 Pages

VACATION OR PARTIAL VACATION OF STREET(S) AND/OR ALLEY(S)

NAME OF OWNER LAS VEGAS CITY SCHOOLS

ADDRESS OF OWNER 901 Douglas Ave

CITY LAS VEGAS STATE NM ZIP CODE 87701

PHONE NUMBER: HOME 505 454 5700 WORK _____

SUBDIVISION NAME _____

LOCATION _____

NAME OF STREET 4th Street North of Bact

CHARACTER OF DEVELOPMENT Campus Security

ATTACH SIGNED STATEMENT OF VACATION SECTION 3-20-12 NMSA 1978.

ATTACH PLAT



SIGNATURE OF OWNER

4/25/19
DATE

APPROVAL BY _____
COMMUNITY DEVELOPMENT DEPARTMENT

DATE _____

FOR OFFICIAL USE ONLY

RECEIPT NO. _____
DATE FEE PAID _____
AMOUNT PAID \$ _____



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

Ms. Larryssa Archuleta
Superintendent
Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

Dear Ms. Archuleta:

This is to formally give you notice that the Planning and Zoning Commission on May 26, 2020 recommended approval of your application for the partial vacation of 4th Street between Freidman Avenue and Baca Avenue, Las Vegas, NM. The City Council will consider the Commissions' recommendation at their regular meeting to be held on June 17, 2020 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 may 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. Until further notice and if you choose, you may have other parties submit written statements in support of your request.

If you have any questions, please feel free to contact me at (505) 454-1401, Ext. 1608.

Sincerely,

Maria D. Perea
Planning & Zoning Coordinator

XC: Applicant File

David Ulibarri
Councilor Ward 1

Michael L. Montoya
Councilor Ward 2

Joseph P. Baca
Councilor Ward 3

David G. Romero
Councilor Ward 4



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

City of Las Vegas
1700 N. Grand Avenue
Las Vegas, NM 87701

To Whom It May Concern:

This is to formally give you notice that the Planning and Zoning Commission on May 26, 2020 recommended approval of your application for the partial vacation of 4th Street between Freidman Avenue and Baca Avenue, Las Vegas, NM. The City Council will consider the Commissions' recommendation at their regular meeting to be held on June 17, 2020 at 6:00pm in the City Council Chambers, 1700 North Grand Avenue, Las Vegas, NM 87701.

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If you have any questions, please feel free to contact me at (505) 454-1401, Ext. 1608.

Sincerely,

Maria D. Perea
Planning & Zoning Coordinator

XC: Applicant File

David Ulibarri
Councilor Ward 1

Michael L. Montoya
Councilor Ward 2

Joseph P. Baca
Councilor Ward 3

David G. Romero
Councilor Ward 4

COMMENTS PROVIDED BY CITY UTILITY DEPARTMENTS AND OTHERS

WATER	If gate is placed closing off roadway, the City Water Dept. will need access at any time to read meters or do repairs on water main on 4 th Street
SEWER	No City sewer runs through this area, will not need an easement
GAS	The Gas Department would need easement at this location for the maintenance purposes on the gas line
SOLID WASTE	Commercial bins are located in the area wanting to be fenced. Also, residential bins are in the area and this would affect how the trucks are able to turn around
ELECTRIC - (PNM), CABLE - (Comcast) TELEPHONE - (Century Link)	No comments received
FIRE DEPARTMENT	Pending final review of construction project including fence and gate placement
PUBLIC WORKS	If road is vacated, the City of Las Vegas will no longer maintain and fix the road, it will have to be maintained by the Las Vegas City Schools



Madam Mayor Tonita Gurulé-Girón

August 8, 2019

Ms. Larrysa Archuleta
Superintendent
Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

ORIGINAL HAND DELIVERED
Cert. Mail 7015-0640-0007-7546-84541

RE: Proposed Vacation of 4th Street

Dear Ms. Archuleta:

This is to formally provide notice that on Monday, July 29, 2019, at a Public Hearing, the Board of Adjustment for the City of Las Vegas disapproved your request for the vacation of a portion of 4th Street as shown on a survey provided by Winstons & Associates, LLC.

The reasons for the disapproval was because of the following concerns by City staff and residents of the neighborhood. The issues listed need to be resolved prior to going forward.

- Egress requirements from the fire department to the area in case of an emergency; A minimum of a twenty foot gate opening with an approved Knox Box is required in order to maintain emergency apparatus access to the building. The New Mexico State Fire Marshal's Office must be contacted with the enclosure proposal and written authorization must be obtained in order to proceed with this project.
- A concern by Water & Gas Departments regarding access to the area to repair any lines in case of an emergency and to read meters;
- A concern by Solid Waste regarding their trucks being able to turn around when they go and pick up commercial trash dumpsters in the area;
- Neighbors were concerned that the barriers on 4th Street facing Friedman Avenue were going to be moved;
- Neighbors were concerned about Post Office, FedEx, Home Depot and Lowe's and other delivery trucks being able to turn around in the area when delivering to the residents of the area. They currently use the parking lot to turn around in;
- Neighbors voiced a concern about who would maintain the road in front of the residences;
- Neighbors voiced a concern about the Las Vegas City Schools not having any meetings with the neighborhood to discuss the proposed vacation; and

Ms. Larrysa Archuleta, Superintendent
Las Vegas City Schools
Page 2

- Commission voiced a concern because there was no representative from the Las Vegas City Schools at the meeting to answer any questions on the project.

Neighbors and Commission members requested that the Las Vegas City Schools meet with the neighbors and resolve any issues with them. The City departments require adequate access to the area for emergency vehicles; Water & Gas departments require easements for maintenance of existing lines in an emergency or as needed and to read meters; and Solid Waste Department requires adequate turnaround space for the big trucks when they pick up the trash. Also, please be aware that if the vacation is approved, the City of Las Vegas Public Works Department will no longer maintain the area vacated. Maintenance will be the responsibility of the Las Vegas City Schools.

Once issues have been resolved to everyone's satisfaction, then the application can be resubmitted to the Planning & Zoning Commission and then to City Council, if it is approved at the Commission level. Be advised that once all documents are received and in place, the City will then proceed to schedule a Planning & Zoning Commission meeting.

I have attached copies of comments received from various departments regarding the proposed vacation of a portion of 4th Street.

A meeting has been scheduled between Ms. Archuleta, Superintendent of the Las Vegas City Schools and Interim City Manager Ann Marie Gallegos on Thursday, August 15, 2019, at 10:00am at City Hall.

If you have any questions, please contact me at (505) 454-1401, Ext. 1608.

Sincerely,



Maria D. Perea
Planning & Zoning Coordinator

XC: Applicant File
Ann M. Gallegos, Interim City Manager
Esther Garduno-Montoya, City Attorney
Las Vegas City Schools Board Members
City of Las Vegas Mayor & Council

Attachments



FW: Las Vegas City Schools RHS Fence Update

Phillip Martinez <phillipmartinez@frankenconstruction.com>

Wed, Aug 21, 2019 at 12:36 PM

To: "Maria Perea (mariaperea@lasvegasnm.gov)" <mariaperea@lasvegasnm.gov>

From: Phillip Martinez

Sent: Tuesday, August 20, 2019 4:45 PM

To: rjarchuleta@lasvegasnm.gov; Maria Gilvary; bmontoya@lasvegasnm.gov

Cc: raymond.torres@state.nm.us; Jim Franken; 'dantevigil@frankenconstruction.com!'; Laryssa Archuleta (larryssaarchuleta@cybercardinal.com); 'amgallegos@lasvegasnm.gov'

Subject: Las Vegas City Schools RHS Fence Update

Good afternoon City of Las Vegas Team. This email implements a plan to complete the fence work if the City and NM State Fire Marshal's Office which is copied in this email. Thank you for coordinating the discussion last Thursday. As you can see on the attached sketch, the School District is willing to implement the changes below. Please contact Ms. Archuleta or myself if we are missing anything.

1. A 20' opening will be created on the masonry block wall at the intersection of 4th and Freidman St. Fire and service trucks can use this gate. The gate will be automatic and will include a Knox Box and a keypad. Fire department and PD can utilize the Knox Box for access.
2. All 3 trash bins will be located in the maintenance yard as shown on the drawings. Service trucks can utilize the gate off of fourth street for access. The gate will be left open during solid waste operating hours. Minimal backing is necessary however there is plenty of room. The maintenance yard does not have students.
3. The originally planned 14' gates will remain as shown however a Knox box plus intercom will be installed. These are located about the middle of the block and away from residential homes.
4. All vehicle gates including 2nd street gate to enter the stadium, 3rd street gate and the gate off of 5th street near the tennis court will have a Knox Box installed.
5. Pedestrian gates will be unlocked during business hours and will be operated with a panic device for easy exit from the inside of the campus only. Pedestrian gates will include a sign requiring the gates to remain unlocked during school. Otherwise the gates are secure from outside of the campus. Pedestrian gates our electronically monitored and alarmed.
6. A manned security booth will be located off of 2nd Street into the Stadium.

We believe that this covers all of the concerns brought up in our meeting. If we missed something please let us know. The District would like to complete the project as soon as possible and ask the City and NM State Fire Marshal's office allow them to continue. If we need to meet and go over the drawings please let us know.

Respectfully

Phillip J. Martinez

Project Manager

Franken Construction Company, Inc.

1025 Douglas Avenue Las Vegas, NM 87701

(P) (505) 425-7578 ext. 116

(F) (505) 454-1394

(C) (505) 429-0027

From: Construction [mailto:copier@frankenconstruction.com]

Sent: Tuesday, August 20, 2019 3:39 PM

To: Phillip Martinez

Subject: Attached Image

Printed Date: 11/12/2019



Correction Notice

New Mexico State Fire Marshal
 Code Enforcement
 1120 Paseo De Peralta Room 413
 Santa Fe, NM 87504-1269
 Phone: (505) 476-0080

Activity Date: 10/09/19 01:00:00 PM
 Activity Number: CEI-lmontoya-19-0030
 Activity Cause: Correction Notice
 Inspector 1 Name: Lawrence Montoya
 Inspector 1 Phone: 505-231-0962

Status: Completed

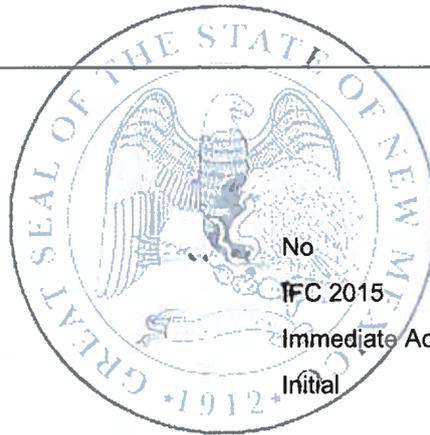
Safety Officer

Mrs. Michelle Aragon
 Robertson High School
 1236 5th St.
 Las Vegas , New Mexico 87701
 Phone: 505-429-0244

Occupancy Type: NFPA - Educational
 Property Use:
 Total Deficiencies: 25
 Corrected Deficiencies: 0

Superintendent:

Ms. Larryssa Archuleta



Fire and Life Safety Inspection

Is certificate of occupancy available?

No

Code Type

IFC 2015

Type of Notice

Immediate Action Required

Type of Inspection

Initial

Fire/Life Safety Violations Checklist

Answers

2. Means of Egress	Fail
3. Emergency Lighting	Fail
5. Exit Signs	Fail
8. Fire Service Features	Fail
9. Emergency Planning and Preparedness	Fail
12. Emergency Generators	N/A
18. Fire Drills	N/A

Referenced Codes

Reference Number: IFC (2015) 503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Comment: Fire Department access gates are to be installed on 4th Street and Friedman Avenue and north of Baca Avenue on 4th Street. These roadways shall provide for a minimum of 20 foot clearance for access by fire apparatus. At time of inspection, two posts were installed in the middle of 4th Street. These posts for the gates are not approved by this office or the local fire chief and shall be removed.

Reference Number: IFC (2015) 506.2 Key box maintenance.

The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

Reference Number: IFC (2015) 104.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

Notice: Correct Immediately

Reference Number: IFC (2015) 1009.2 Continuity and components.

Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components: 1. Accessible routes complying with Section 1104 of the International Building Code. 2. Interior exit stairways complying with Sections 1009.3 and 1023. 3. Exit access stairways complying with Sections 1009.3 and 1019.3 or 1019.4. 4. Exterior exit stairways complying with Sections 1009.3 and 1027 and serving levels other than the level of exit discharge. 5. Elevators complying with Section 1009.4. 6. Platform lifts complying with Section 1009.5. 7. Horizontal exits complying with Section 1026. 8. Ramps complying with Section 1012. 9. Areas of refuge complying with Section 1009.6. 10. Exterior areas for assisted rescue complying with Section 1009.7 serving exits at the level of exit discharge.

Comment: The installation of a fire department access gate on 4th Street and Friedman Avenue presents an issue with the existing ramp for occupants to evacuate the Quintana Building. This addition of a gate shall be properly analyzed to ensure safe evacuation of occupants. It appears that the current configuration would direct occupants into the roadway directly in front of the fire department access road, which is unacceptable.

Notice: Correct Immediately

Reference Number: IFC (2015) 1010.1.1 Size of doors.

The required capacity of each door opening shall be sufficient for the occupant load thereof and shall provide a minimum clear width of 32 inches (813 mm). Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this section requires a minimum clear width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a clear opening width of 32 inches (813 mm). The maximum width of a swinging door leaf shall be 48 inches (1219 mm) nominal. Means of egress doors in a Group I-2 occupancy used for the movement of beds shall provide a clear width not less than 41 1/2 inches (1054 mm). The height of door openings shall be not less than 80 inches (2032 mm). Exceptions: 1. The minimum and maximum width shall not apply to door openings that are not part of the required means of egress in Group R-2 and R-3 occupancies. 2. Door openings to resident sleeping units in Group I-3 occupancies shall have a clear width of not less than 28 inches (711 mm). 3. Door openings to storage closets less than 10 square feet (0.93 m²) in area shall not be limited by the minimum width. 4. Width of door leaves in revolving doors that comply with Section 1010.1.4.1 shall not be limited. 5. Door openings within a dwelling unit or sleeping unit shall be not less than 78 inches (1981 mm) in height. 6. Exterior door openings in dwelling units and sleeping units, other than the required exit door, shall be not less than 76 inches (1930 mm) in height. 7. In other than Group R-1 occupancies, the minimum widths shall not apply to interior egress doors within a dwelling unit or sleeping unit that is not required to be an Accessible unit, Type A unit or Type B unit. 8. Door openings required to be accessible within Type B units shall have a minimum clear width of 31.75 inches (806 mm). 9. Doors to walk-in freezers and coolers less than 1,000 square feet (93 m²) in area shall have a maximum width of 60 inches (1524 mm). 10. In Group R-1 dwelling units or sleeping units not required to be Accessible units, the minimum width shall not apply to doors for showers or saunas.

Comment: An analysis shall be performed to determine whether the current installation of egress doors on the fence are appropriate in size and width. Areas such as the northeast corner of the main building, southwest corner of the main/tech building, and the east side of the band room area have only one exit. It is rather obvious that these single egress doors on the gates would not be sufficient for the occupant load of the closest building.

Reference Number: IFC (2015) 1013.1 Where required.

Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. Exceptions: 1. Exit signs are not required in rooms or areas that require only one exit or exit access. 2. Main exterior exit doors or gates that are obviously and clearly identifiable as exits need not have exit signs where approved by the fire code official. 3. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3. 4. Exit signs are not required in dayrooms, sleeping rooms or dormitories in occupancies in Group I-3. 5. In occupancies in Groups A-4 and A-5, exit signs are not required on the seating side of vomitories or openings into seating areas where exit signs are provided in the concourse that are readily apparent from the vomitories. Egress lighting is provided to identify each vomitory or opening within the seating area in an emergency.

Comment: All egress doors shall be properly identified with approved, weatherproof, illuminated exit signs.

Reference Number: IFC (2015) 1013.3 Illumination.

Exit signs shall be internally or externally illuminated. Exception: Tactile signs required by Section 1013.4 need not be provided with illumination.

Comment: All egress doors shall be properly identified with approved, weatherproof, illuminated exit signs.

Reference Number: IFC (2015) 1013.6.3 Power source.

Exit signs shall be illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment or an on-site generator. The installation of the emergency power system shall be in accordance with Section 604. Exceptions: 1. Approved exit sign illumination means that provide continuous illumination independent of external power sources for a duration of not less than 90 minutes, in case of primary power loss, are not required to be connected to an emergency electrical system. 2. Group I-2 Condition 2 exit sign illumination shall not be provided by unit equipment battery only.

Comment: All egress doors shall be properly identified with approved, weatherproof, illuminated exit signs.

Reference Number: IFC (2015) 1008.2 Illumination required.

The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied. Exceptions: 1. Occupancies in Group U. 2. Aisle accessways in Group A. 3. Dwelling units and sleeping units in Groups R-1, R- 2 and R-3. 4. Sleeping units of Group I occupancies.

Comment: All paths of egress shall provide adequate path of egress lighting and with a secondary means of power.

Notice: Correct Immediately

Reference Number: IFC (2015) 1031.4 Exit signs.

Exit signs shall be installed and maintained in accordance with Section 1013. Decorations, furnishings, equipment or adjacent signage that impairs the visibility of exit signs, creates confusion or prevents identification of the exit shall not be allowed.

Comment: An approved "NO EXIT" sign shall be properly installed at the end of the sidewalk near the northwest of McFarland Hall/Main Office area. The sidewalk may provide a false sense of egress. An installed sign shall be installed to mitigate the possibility of confusion.

Notice: Correct Immediately

Reference Number: IFC (2015) 505.1 Address identification.

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Comment: Addresses shall be provided in conspicuous locations, as required, for each building.

Notice: Correct Immediately

Reference Number: IFC (2015) 503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Exceptions: 1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur: 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3. 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. 1.3. There are not more than two Group R-3 or Group U occupancies. 2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities. 503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

Comment: Fire Department access gates are to be installed on 4th Street and Friedman Avenue and north of Baca Avenue on 4th Street. These roadways shall provide for a minimum of 20 foot clearance for access by fire apparatus. At time of inspection, two posts were installed in the middle of 4th Street. These posts are non-compliant with the clearance width requirement and shall be removed.

Reference Number: IFC (2015) 503.3 Marking.

Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Comment: Fire Department Access Roads/Gates shall be properly identified on each gate and shall include "Fire Lane, No Parking" signs. Effort shall be taken to ensure vehicles are not permitted to park in front of these gates.

Reference Number: IFC (2015) 503.3 Marking.

Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Comment: 16. Fire lane marking on curbs, and the installation of approved "Fire Lane, No Parking" signs shall be installed in the following areas: a. 4th Street from Friedman Avenue south until the parking entrance to the McFarland Hall parking lot. b. Northeast of Marr Gymnasium, to the east of the islands and shall continue through the alley behind the football field stadium. c. Any other area deemed to be a fire lane.

Reference Number: IFC (2015) 503.4 Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

Comment: It was discussed that gates were planned to be installed on 3rd Street just north of Baca Avenue and the existing gate which leads access to the football field from 2nd Street. Installing and utilizing the additional gates adds to hindered response, therefore, it is determined that the 2 currently installed gates located in the alley behind the football field stadium seating should be removed.

Reference Number: IFC (2015) 503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Comment: Referenced to support removal of gates located in the alley of the football stadium.

Reference Number: IFC (2015) 506.1 Where required.

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official.

Comment: 1. Knox boxes shall be installed at the exterior of main entrances around the exterior of the school property. It was determined that 6 Knox boxes would need to be installed at the following sites:
a. Main Entrance near McFarland Hall/Main Officeb. The Fire Department access road at 4th Street and Friedman Avenuec. The entrance to the football, baseball, and softball field off 2nd Streetd. The entrance to the Michael Marr Gymnasium from 3rd Street off of Baca Avenuee. The Fire Department access road near the band room on 4th Streetf. The entrance to the Patio Building on 5th Street
2. Keys in each of the Knox boxes shall be provided for all locks located on the property which provide access to essential areas. Each key shall be properly labeled. 3. The unapproved fire department box located in 4th Street at the bus yard gate shall be removed. It was determined that this labeled box serves no function for the local fire department. It is also acceptable to remove or obstruct the lettering on the box and leave the box in place.

Reference Number: IFC (2015) 503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Comment: If the access gates are to be electrically operated, a secondary means shall be provided for emergency personnel to open the gates with ease.

Reference Number: IFC (2015) 507.5.5 Clear space around hydrants.

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

Comment: The fire hydrant located to the south of the Marr Gymnasium is obstructed by a bush. Fire hydrants are required to have a minimum of a 3 foot clearance around the hydrant.

Notice: Correct Immediately

Reference Number: IFC (2015) 1010.1.9 Door operations.

Except as specifically permitted by this section, egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

Comment: Locks requiring a key were observed to be located on egress gates near the Marr Gymnasium. These locks shall be removed.

Notice: Correct Immediately

Reference Number: IFC (2015) 1001.1 General.

Buildings or portions thereof shall be provided with a means of egress system as required by this chapter. The provisions of this chapter shall control the design, construction and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof. Sections 1003 through 1030 shall apply to new construction. Section 1031 shall apply to existing buildings. Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.

Comment: Plans shall be submitted to NM CID and a copy forwarded to New Mexico State Fire Marshal's Office, and shall be stamped, at the minimum, by a NM Licensed Professional Engineer. The plans shall depict a clear accurate representation of the fence, egress doors, appurtenances, fire lanes, fire department access roads/gates, emergency and path of egress lighting, primary and secondary means of power for fire department access gates, Knox box locations, approved signage with location(s), removal of existing gates, professional egress analysis documentation, removal of existing fire boxes that are unapproved, addition of ramp(s), redirecting of occupants to a public way, dimensions of fire department access roads, and all other pertinent information customarily provided on submitted plans.

Notice: Correct Immediately

Reference Number: IFC (2015) 1003.6 Means of egress continuity.

The path of egress travel along a means of egress shall not be interrupted by a building element other than a means of egress component as specified in this chapter. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component except projections permitted by this chapter. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.

Comment: An analysis shall be performed to determine whether the current installation of egress doors on the fence are appropriate in size and width. Areas such as the northeast corner of the main building, southwest corner of the main/tech building, and the east side of the band room area have only one exit. It is rather obvious that these single egress doors on the gates would not be sufficient for the occupant load of the closest building.

Notice: Correct Immediately

Reference Number: IFC (2015) 501.3 Construction documents.

Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

Comment: It is apparent that a black, wrought iron, 7 foot tall fence was being constructed around the perimeter of the school grounds, with an exception of the area to the north of the Quintana Building following around, past the baseball, softball, and soccer fields. The conclusion of this inspection reveals that the installation of this fence was done improperly and necessary repairs shall be made in order to remain compliant with state law, fire code, and applicable national standards.

Reference Number: IFC (2015) 503.2.2 Authority.

The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

Comment: Fire Department access gates are to be installed on 4th Street and Friedman Avenue and north of Baca Avenue on 4th Street. These roadways shall provide for a minimum of 20 foot clearance for access by fire apparatus. At time of inspection, two posts were installed in the middle of 4th Street. These posts are non-compliant with the clearance width requirement and shall be removed.

Notice: Correct Immediately

Reference Number: IFC (2015) 503.2.3 Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide allweather driving capabilities.

Comment: Pot holes located on 3rd Street near the entrance to the south side of the football field and gymnasium has pot holes which will need to be repaired. These holes are deep and may possibly damage incoming and outgoing emergency response vehicles.

Notice: Correct Immediately

Reference Number: IFC (2015) 1006.3.1 Egress based on occupant load.

Each story and occupied roof shall have the minimum number of independent exits, or access to exits, as specified in Table 1006.3.1. A single exit or access to a single exit shall be permitted in accordance with Section 1006.3.2. The required number of exits, or exit access stairways or ramps providing access to exits, from any story or occupied roof shall be maintained until arrival at the exit discharge or public way.

Comment: Noted to substantiate an analysis needs to be performed to document number and location of egress doors relative the proximity of buildings and their respective occupant loads.

Notice: Correct Immediately

Reference Number: IFC (2015) 1031.5 Nonexit identification.

Where a door is adjacent to, constructed similar to and can be confused with a means of egress door, that door shall be identified with an approved sign that identifies the room name or use of the room.

Comment: As indicated in a previous violation, an approved "NO EXIT" sign shall be properly installed at the end of the sidewalk near the northwest of McFarland Hall/Main Office area. The sidewalk may provide a false sense of egress. An installed sign shall be installed to mitigate the possibility of confusion.

Notice: Correct Immediately

Reference Number: IFC (2015) 1013.1 Where required.

Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. Exceptions: 1. Exit signs are not required in rooms or areas that require only one exit or exit access. 2. Main exterior exit doors or gates that are obviously and clearly identifiable as exits need not have exit signs where approved by the fire code official. 3. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3. 4. Exit signs are not required in dayrooms, sleeping rooms or dormitories in occupancies in Group I-3. 5. In occupancies in Groups A-4 and A-5, exit signs are not required on the seating side of vomitories or openings into seating areas where exit signs are provided in the concourse that are readily apparent from the vomitories. Egress lighting is provided to identify each vomitory or opening within the seating area in an emergency.

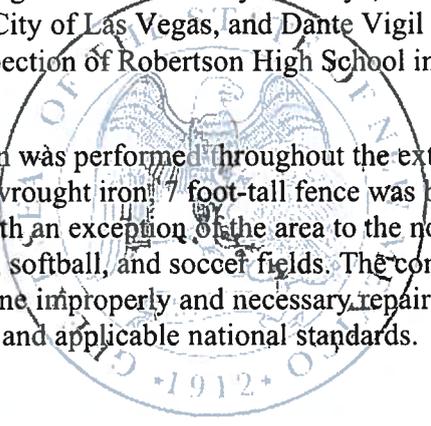
Comment: Each of the exit doors have red panic hardware that indicates "Push to Exit - Alarm Will Sound". The verbiage "Alarm Will Sound" is unapproved and shall therefore be removed.

Pre Existing Deficiencies

Comments:

On the above indicated date, Las Vegas Fire Chief Billy Montoya, Las Vegas Fire Deputy Chief Steve Spann, Robert Archuleta from the City of Las Vegas, and Dante Vigil from Franken Construction accompanied me for an on-site inspection of Robertson High School in response to a complaint that was received by our office.

A thorough and complete inspection was performed throughout the exterior property line of Robertson High School. It is apparent that a black, wrought iron 7 foot-tall fence was being constructed around the perimeter of the school grounds, with an exception of the area to the north of the Quintana Building following around, past the baseball, softball, and soccer fields. The conclusion of this inspection reveals that the installation of this fence was done improperly and necessary repairs shall be made in order to remain compliant with state law, fire code, and applicable national standards.



Lawrence Montoya
New Mexico State Fire Marshal
Code Enforcement
1120 Paseo De Peralta Room 413
Santa Fe, New Mexico 87504-1269
505-231-0962
lawrence.montoya@state.nm.us



RE: Robertson High School - Fence Project

Montoya, Lawrence, PRC <Lawrence.Montoya@state.nm.us>

Tue, Nov 26, 2019 at 10:56 AM

To: Phillip Martinez <phillipmartinez@frankenconstruction.com>, "Archuleta, Larryssa" <larryssaarchuleta@cybercardinal.com>, Steve Spann <sspann@lasvegasnm.gov>, Maria Perea <mariaperea@lasvegasnm.gov>, Robert Archuleta <rjarchuleta@lasvegasnm.gov>, Dante Vigil <dantevigil@frankenconstruction.com>, Esther Garduno Montoya <egmontoya@lasvegasnm.gov>, Billy Montoya <bmontoya@lasvegasnm.gov>, Ann Marie Gallegos <amgallegos@lasvegasnm.gov>
Cc: "Torres, Raymond, PRC" <Raymond.Torres@state.nm.us>

Ms. Larryssa Archuleta,

Good morning. Thank you for your response. I have reviewed the attached photos and am most pleased with the progress. It appears most of the serious deficiencies have been corrected.

The addresses or building names are to be on each of the buildings and visible from the street side. Time will be allowed to determine the amount of signs, placement, verbiage, etc. If an emergency situation exists on school grounds, proper identification or location of the building is provided. In the event of such a situation, something as simple as this could attain a better response by public safety professionals and save lives. The issue exits mainly with the old patio building, band room, chorus building, McFarland Hall, Science/Library building and the Maintenance/Bus area. I believe that all responding agencies are familiar with the Main Building and Marr Gymnasium.

I need to know if the following have been completed:

1. The "fire box" located near the bus barn been removed.
2. Also, because the newly installed wrought iron doors installed on the fence have not yet been approved, these doors shall remain in the unlocked position. May you please verify that these doors are remaining in the unlocked position. Secondly, in the interim, another option may be to provide the keys to the local police and fire departments which allow access to these gates. Let me know which you choose.
3. Archis Design Architect was on site and performed a walk through. Please submit a report with findings or conclusions from his visit.
4. Confirmation that construction of the fence will not continue until submitted plans have been reviewed and approved.

If you should have any questions, please do not hesitate to contact me.

Many thanks,

Lawrence Montoya, Jr.

New Mexico State Fire Marshal's Office

1120 Paseo de Peralta

Santa Fe, NM 87504

505.476.0080(o)



EXHIBIT # 10

Maria Perea <mariaperea@lasvegasnm.gov>

FW: Robertson High School, San Miguel, Las Vegas, Fence

Montoya, Lawrence, PRC <Lawrence.Montoya@state.nm.us>

Wed, Jan 22, 2020 at 3:58 PM

To: Phillip Martinez <phillipmartinez@frankenconstruction.com>, "amgallegos@lasvegasnm.gov" <amgallegos@lasvegasnm.gov>, "Maria Perea (mariaperea@lasvegasnm.gov)" <mariaperea@lasvegasnm.gov>, "Ortiz, Jeremy" <jeremy@archisdesign.net>
Cc: "Archuleta, Larryssa" <larryssaarchuleta@cybercardinal.com>, "Ortiz, Jeremy" <jeremy@archisdesign.net>, Dante Vigil <dantevigil@frankenconstruction.com>

Hello All –

The plans have been reviewed and approved with exceptions, which are indicated on the letter. The only issue found on the plans was that the existing gate in the football alley is to be removed if the gate leading from the elementary to the south side of the Marr Gymnasium is to remain.

Please let me know when you all can meet for a final walk through.

Many thanks!

Lawrence Montoya, Jr.

New Mexico State Fire Marshal's Office

1120 Paseo de Peralta

Santa Fe, NM 87504

505.476.0080(o)

505.231.0962(c)

Lawrence.Montoya@state.nm.us

[Quoted text hidden]

2 attachments

 **Robertson High School, Initial, 12.23.2019, Fence.pdf**
2458K

 **Robertson High School Fence Project 01.22.2020 AE.PDF**
94K

NEW MEXICO PUBLIC REGULATION COMMISSION



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STATE FIRE MARSHAL DIVISION

PO Box 1269
1120 Paseo De Peralta 4th Floor Rm #409
Santa Fe, NM 87504-1269
(800) 244-6702 or (505) 476-0080
Fax (505) 476-0100

Interim Chief of Staff

Jason N. Montoya, P.E.

NEW MEXICO STATE FIRE MARSHAL DIVISION FIRE CODE ENFORCEMENT BUREAU January 22, 2020

Installing Company:

Archis Architects / Franken Construction
4700 Lincoln Rd. NE
Albuquerque, NM 87109
505-998-7717

Project:

Robertson High School – Fence Project
1236 5th Street
Las Vegas, NM 87701

To Whom It May Concern:

A review of a Fire Protection System for the above-mentioned facility has been completed. This review was conducted in accordance with International Fire Code 2015 Edition and applicable standards. The submitted plans have been:

APPROVED **APPROVED with exceptions** **REJECTED**

EXCEPTIONS:

1. As indicated in previous discussions and on the initial fire and life safety inspection report, the existing gates located within the football field alley shall be removed, if the gate is to remain between the elementary school and the high school gymnasium and leading into the north gymnasium parking lot from 3rd Street.

Please provide a two weeks' notice to schedule a final acceptance test. You can contact our office at (505) 476-0080 to schedule the final acceptance test.

Respectfully,

Lee J. Ortiz
State Fire Inspector / Plans Examiner
New Mexico State Fire Marshal's Office

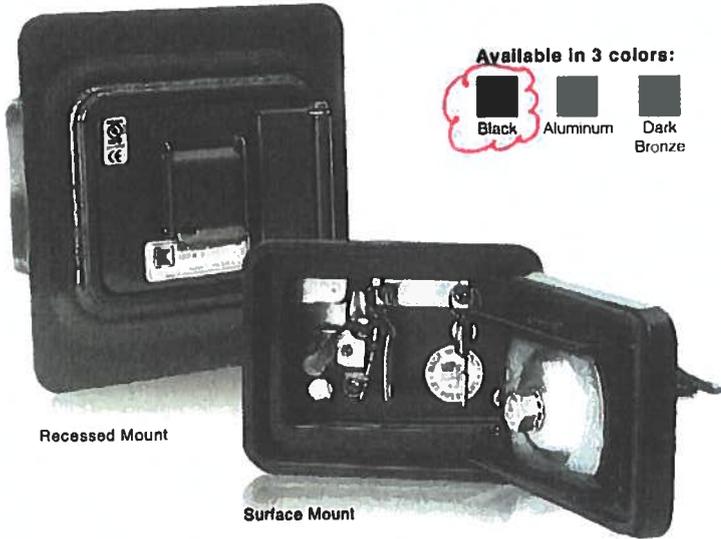
Lawrence Montoya, Jr.
State Fire Inspector / Plans Examiner
New Mexico State Fire Marshal's Office

Bruce R. Dile
State Fire Inspector / Plans Examiner
New Mexico State Fire Marshal's Office



KNOXBOX™ 3200

The KnoxBox 3200 is the number one high-security key lock box trusted by first responders and property owners. Store up to 10 keys to quickly gain rapid access to commercial properties.



FEATURES

- ✓ Stores maximum 10 keys. Access cards and small entry items may also fit in interior compartment but will reduce max key quantity.
- ✓ Built Knox-Rugged and secure: UL 1037, UL 1610, UL 1332, UL 437
- ✓ Finished with Knox-Coat® to protect four times better than standard powder coat
- ✓ Weather-resistant door gasket
- ✓ Hinged door

BENEFITS

- ✓ Allows rapid property access
- ✓ Reduces property damage
- ✓ Prevents forced entry into buildings
- ✓ Minimizes first responder injury
- ✓ Compliant to National Fire Code (NFPA, IFC, IBC)

OPTIONS

- ✓ Knox Tamper Alert connects to building's alarm system for extra security
- ✓ Mount types: Recessed and Surface
- ✓ 3 color options: Black, Aluminum, Dark Bronze

ACCESSORIES

- ✓ Multi-Purpose Switch for use on electrical doors, gates and other electrical equipment
- ✓ Recess Mounting Kit for new concrete or masonry construction
- ✓ Public Safety Labels
- ✓ Tag-Out Tamper Seals
- ✓ Key Tags
- ✓ Key Rings

ORDERING SPECIFICATIONS

To insure procurement and delivery of the KnoxBox 3200, it is suggested that following specification paragraph is used:

KnoxBox surface/recessed mount with hinged door, with/without UL Listed Knox Tamper Alert. 1/4" plate steel housing, 1/2" thick steel door with interior gasket seal and stainless steel door hinge. Box and lock UL Listed. Lock has 1/8" thick stainless steel dust cover with tamper seal mounting capability.

Exterior Dimensions: Surface Mount Body - 4"H x 5"W x 3-7/8"D
Recessed Mount Flange - 7"H x 7"W

Lock: UL Listed. Double-action rotating tumblers and hardened steel pins accessed by a biased cut key.

Finish: Knox-Coat proprietary finishing process

Color: Black, Dark Bronze or Aluminum

P/N: KnoxBox 3200 (mfr's cat. ID)

Mfr's Name: KNOX COMPANY

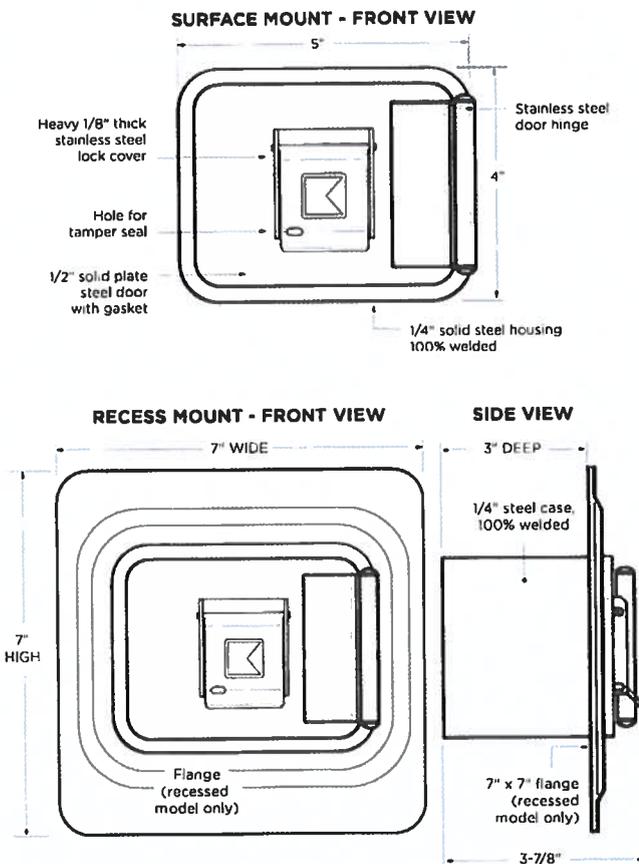


WEIGHT:

Surface Mount - 8 lbs.
Recessed Mount - 9 lbs.

DIMENSIONS:

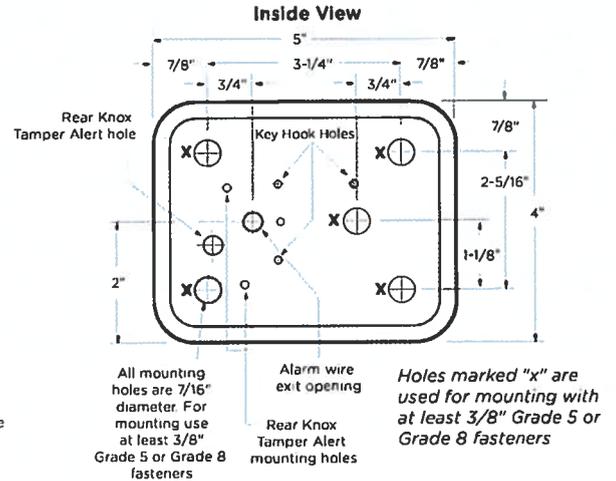
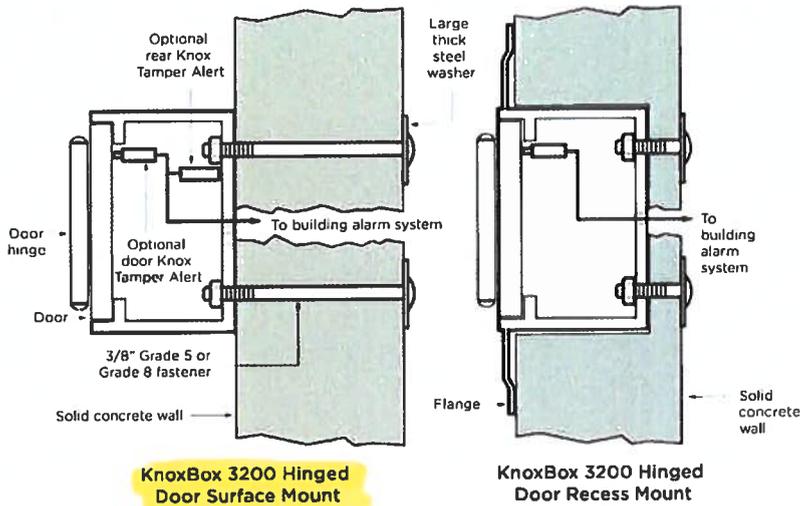
Surface Mount Body - 4"H x 5"W x 3-7/8"D
Recessed Mount Flange - 7"H x 7"W



GENERAL MOUNTING INSTRUCTIONS

Suggested minimum mounting height, 6 feet above ground.

ATTENTION: KnoxBox is a very strong device that **MUST** be mounted properly to ensure maximum security and resist physical attack.



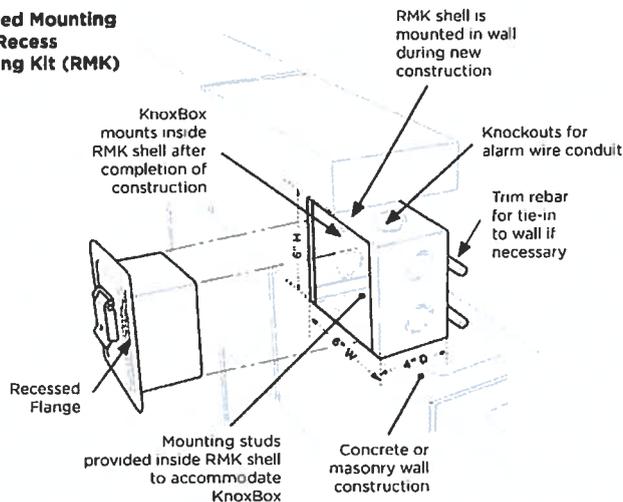
RECESS MOUNTING KIT AND INSTALLATION INSTRUCTIONS

The Recess Mounting Kit (RMK) includes shell housing and mounting hardware, which may only be used for recessed models to cast-in-place within new concrete or masonry construction. The KnoxBox is mounted into the shell housing after construction is completed.

RECESS MOUNTING KIT DIMENSIONS

Rough-in Dimensions:
6-1/2"H x 6-1/2"W x 5"D

Recessed Mounting Using Recess Mounting Kit (RMK)



IMPORTANT:

Care should be taken to ensure the front of the Recess Mounting Kit (RMK) shell housing, including the cover plate and screw heads, is flush with the wall. The RMK must be plumbed to ensure vertical alignment of the box.

ABOUT KNOX COMPANY

Over forty years ago, a unique concept in rapid access for emergency response was born. The KnoxBox, a high-security key lock box, was designed to provide rapid access for emergency responders to reduce response times and protect property from forced entry.

Today, one revolutionary lock box has grown into a complete system providing rapid access for public safety agencies, industries, military, and property owners across the world. The Knox Company is trusted by over 14,000 fire departments, law enforcement agencies, and governmental entities.

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PHOENIX, AZ 85027

T. 800.552.5669
F. 623.687.2290

KNOXBOX.COM
INFO@KNOXBOX.COM

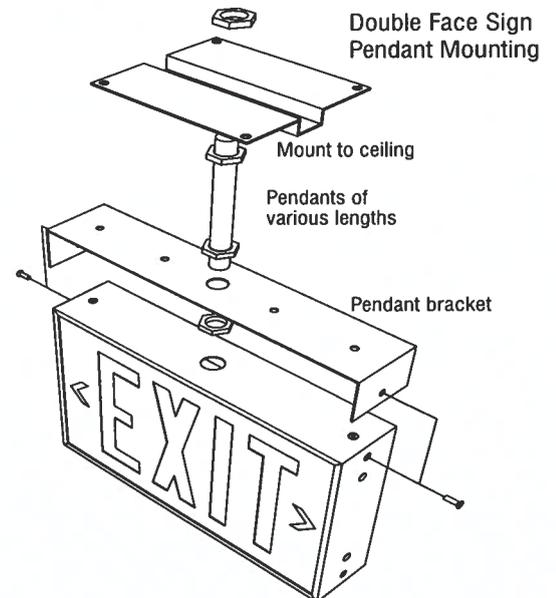
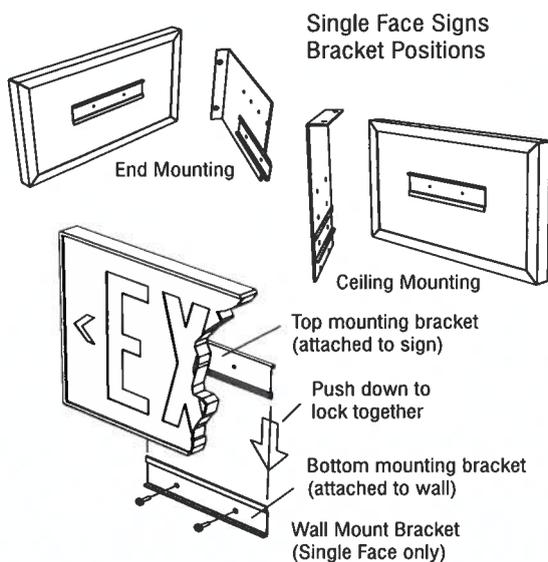
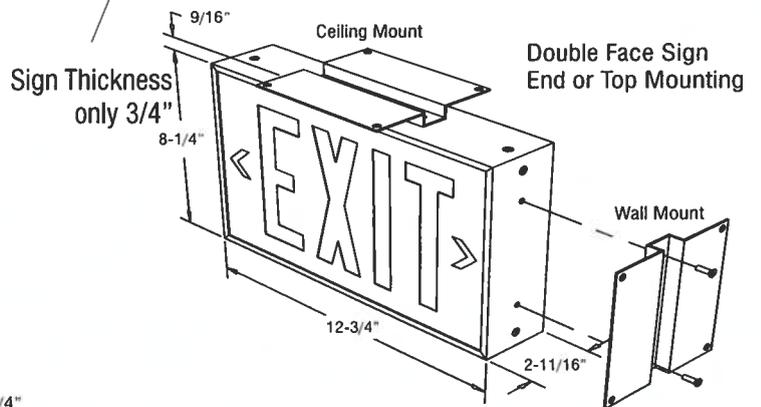
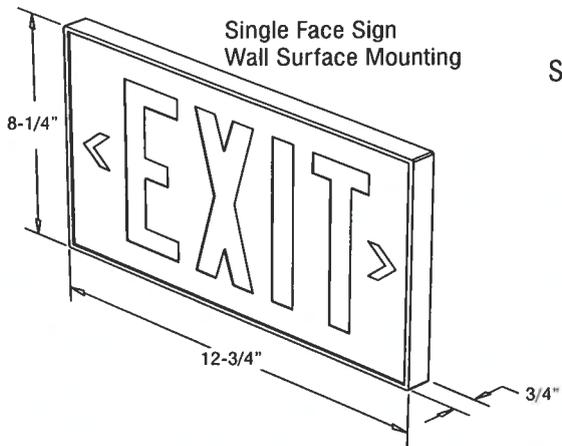
Slimline

EXHIBIT # 12
SL Series

Self-Luminous Exit Signs

Sleek and Slender

The Slimline SL provides a quality architectural appearance in a low profile and durable aluminum housing. The SL requires no electricity, is completely energy efficient, is recyclable at the end of its useful life, and provides an ideal solution for green buildings.



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Project name:	Approved By:
Catalog No:	Type No:

Slimline Self-Luminous Exit Signs SL Series

FEATURES

- Non-electrical, internally illuminated by sealed tritium gas light sources
- 100% reliable, maintenance free and always on
- Requires no external light source, electrical power, wiring or batteries
- Operating temperature range -55°C to 80°C
- As there is no electrical ignition source, the Slimline is suitable for use in hazardous atmospheres, damp and wet locations. Meets NEC Article 500, Class 1, 11 and 111 conditions
- Suitable for use in Class 1, Div. 1, Groups C & D
- 100 foot visibility rating
- Green light output for maximum visibility in emergency conditions
- 6" high letters with 3/4" stroke with Red, Green or Black background available
- Hidden tamper resistant wall mounting hardware
- Aluminum stencil face with field selectable chevron directional indicators
- Optional end or ceiling mount brackets are available
- Corrosion resistant extruded aluminum .05" minimum wall thickness fold-formed to prevent tampering
- Sustainable design and fully recyclable at the end of it's useful life
- Standard finish is anodized aluminum. Also available in satin white or black enamel
- Polycarbonate shield seals lamp compartment and prismatic refractor lens
- Available in service life ratings of 10, or 20 years
- Tested, approved and listed by Underwriters Laboratories to UL 924 Standard, meets the requirements of NFPA 101 Life Safety Code
- Limited warranty for the rated life of the product

ORDERING GUIDE

SL					
Model	Service Life	No. of Faces	Face Color	Frame Color	Options
SL Slimline Aluminum	10 10 Years 20 20 Years	1 Single Face 2 Double Face	R Red G Green B Black	BA Brushed Aluminum B Black W White	MB Mounting Bracket for Top or End Mounting PA 12" Swivel Pendant PB 24" Swivel Pendant PC 36" Swivel Pendant PD 48" Swivel Pendant <i>Note: For vandal resistant signs see data sheets SLV, INH or LEX</i>

Example: SL-10-2-G-W-PA





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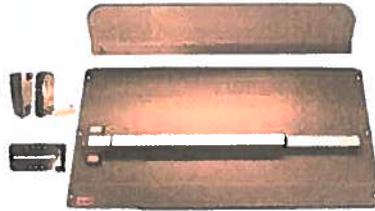


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LockeyUSA Panic Bar Shield Security Kit w/ PB1100 Panic Bar - 24" Width / Silver Painted / 33" Panic Bar



\$454.00 Quantity: 1

Option: **24" Width / Silver**

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Accu-Choice

Our Exclusive Sentry Safety
Panic Bar Selector

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Click the LIVE CHAT button to speak to a live person now about this product.

[Product Details]

The LockeyUSA Panic Bar Kit is available in these kits:

Value Kit Includes:

- Panic Bar Shield (12" or 24" tall, adjustable from 28" to 54" gate frame)
- Strike Mounting Plate
- PB1100 Panic Bar (33" or 48")
- 285-P Keyless Combination Lock Lever Handle and Trim finished in Satin Chrome
- MAX-Guard Cover Plate

This is also available in two additional kits: Value Package (product_detail_33849_14560.aspx) & Safety Package (product_detail_33850_14568.aspx)

These kits come in 2 color options silver or black. However we can order unpainted kits if needed. To order a unpainted kit please call our sales reps. Also available as an additional option is the upgrade to the stainless steel PB1100, to upgrade your kit please call one of our sales reps.

PanicExitPro.com offers more expert access control assistance than anyone. We have carefully selected entry control devices for all scenarios so you can put together a kit that is not only cost effective but has the all the components, and only the components, that you actually need. Don't overspend buying a system with controls you won't use or compromise functionality forgoing components you need but are not part of other retailers' pre-designated kits. If you need help deciding if this access control device is part of right solution for your business we have live application specialists available 9am - 9 pm EST 7 days a week or send us an email 24/7 and we will gladly assist.

The LockeyUSA panic bar shield kit is compatible with all panic bars on the market today. The kit comes pre-drilled for holes to mount the included PB1100 panic bar. The panic bar has been thoroughly tested to ensure that it meets the requirements to be considered Grade 1 compliant. These tests ensure the weather resistance of the panic bar and the force loads it can handle before failure. With the Security Package it includes LockeyUSA's MAX-Guard plate. This additional bracket gets placed near the portion of the panic bar that gets depressed to release the lever. This additional bracket prevents the use of a strap to unlock the panic bar when used outside. LockeyUSA designed these kits to fit the various needs of those wishing to add a panic bar to their chainlink fence and fit any budgetary issues.

PanicExitPro.com makes a pro of the small business owner. We specialize in DIY installation because we know that as a small business owner every penny saved helps. We have developed customized instructions, videos and offer a full spectrum of accessories to truly cover all aspects of the installation of your entry system. In addition we have the largest staff of factory trained technicians in the US.

These plates are designed to give you mounting locations when mounting a panic bar to a chain link fence gate. These plate bar shields also add an additional level of security as they make it harder to access the panic bar from the other side of the gate. The optional keyed cylinder or combination lever handle allow you the ability to access the property on other opposite side of the panic bar.

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PanicExitPro.com has the resources you need. How do you use your entry system once you get it? PanicExitPro.com is the only retailer to give a real answer to this question. We have develop videos for understanding many of our door entry components and products and write DIY focused manuals for most entry system accessories.

Panic Bar Features

- Available in two lengths: 33" or 48"
- Allen Key Dogging
- Can be used with both left and right swing gates
- Grade 1 Rated

Mounting Plate Features:

- Available in multiple kits for different price points
- Adjustable mounting plate for surface mounted exit bars
- 24" tall and width adjustable for 28" to 54" wide gate frame.
- Sturdy construction made with 16-gauge electro-galvanized steel and a powder coat finish
- Adjustable receiving latch
- Available in either Silver, Black, Unpainted (by request only)
- Available in two different widths: 12" or 24"

Panicexitpro.com offers a comprehensive product range to control the movement of entry/exit point doors. It is essential for building owners to be able to gtrike a balance between opening security, safety and durability at a cost that meets business objectives. Panicexitpro.com products are designed to meet the most common installation and application requirements in the commercial marketplace so that these products exceed the needs of customers who value reliable door control products, excellent service, and prompt delivery. To this end, all panicexitpro.com emergency push bars are designed of the highest quality materials. The working internal mechanisms contain no plastic components, while the cover and chassis are made of stainless steel.

PanicExitPro.com has actual experience. We have a testing area, we have factory and internal training courses, we have installed this equipment on our own properties, we attended industry trade shows in multiple countries, and we pay visits to our chosen manufacturers' factories. All these factors are what have lead to us having so many exclusive additions. When you see and actually use as many products as we have you tend to have many ideas for minor changes that have major impacts. We acted on these ideas and have utilized them to help thousands of customers create entry control solutions that work for their unique applications.

QB ID: LSPS-11SEC24Silver

Articles and Information

- Panic Bars - A Beginner's Guide (article-Panic-Bars—A-Beginners-Guide-31703.aspx)
- Door Closers - A Beginner's Guide (article-Door-Closers—A-Beginners-Guide-31704.aspx)
- Panic Bar Styles (article-Panic-Bar-Styles-31705.aspx)
- Commercial Door Closer Applications (article-Commercial-Door-Closer-Applications-31706.aspx)
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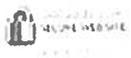
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- The Metropolitan Opera of NYC
- The PGA- Professional Golfers Association
- Religious Organizations including Christian, Lutheran, Nazarene and more
- [View More Happy Customers \(why_panicexitpro.aspx\)](#)

Panic Bar Selector (accu-choice.aspx)

Phone Order Hours:

Monday - Saturday
9:00am - 5:00pm EST

Online Orders can be made 24/7
Home (Default.aspx) | Contact Us / About Us (contact_us.aspx) | Sitemap (sitemap.aspx) |

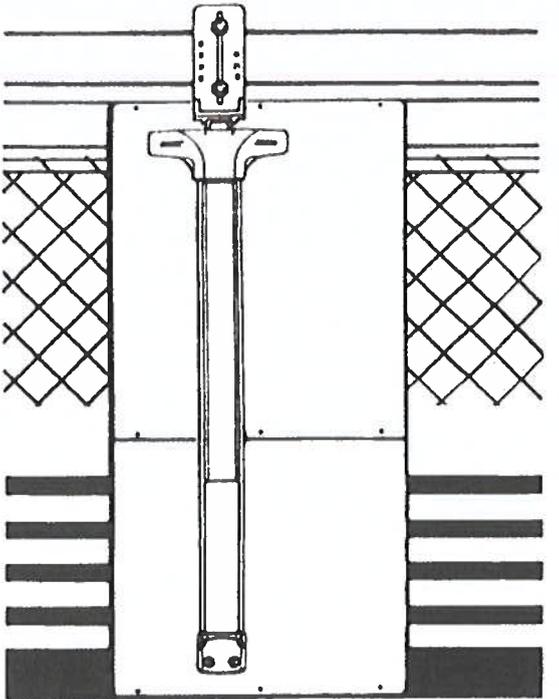


http://www.webdirectbrands.com/user_agreement.aspx

v=3.0&t=1520867785&fdata=JA0MW3MRDg8dTVxBHERfW0g6PwMhbFtyR3h7WH8nAw1QUndpaQB.cxdAGgCPBkjEck3KwJJiMTOsm3CwUDCwMwdC4gNw83Gj0ZDj4tTBkPQ03NAGRnR4DjpwXAoMAXZuaglpZEVeMwhkWS9WNQAOACFTVQqbfKsGXgEEDINjfqx3YA0hQmR8VjopR11bVnJ1OgYpNFIXbVkzXH9WZQJQXIURGxUNAgQUEEIC

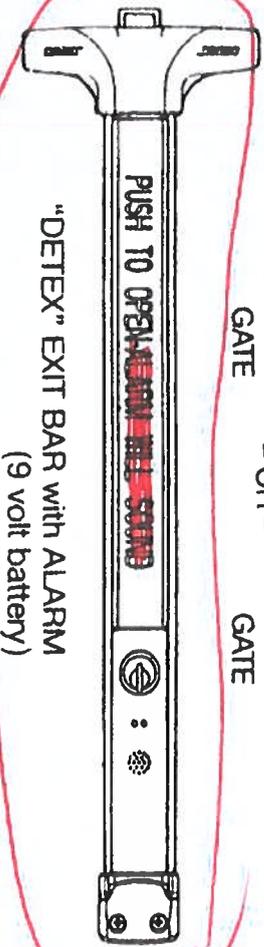
©Copyright 2002 - 2015 Web Direct Brands Inc (http://www.webdirectbrands.com). All rights reserved. The leading source for Panic Door Hardware, Exit Devices, and Door Closes reserved, We Ship Worldwide

EXIT DOOR HARDWARE

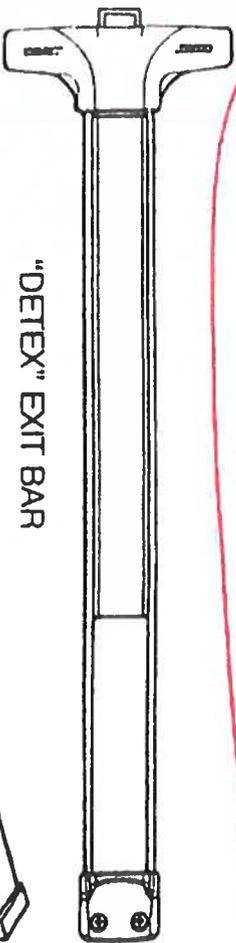


Stainless steel fasteners provided

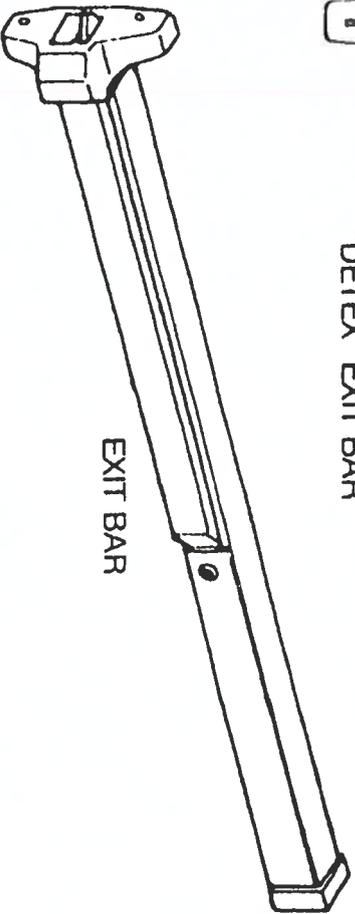
CHAIN LINK GATE - OR - ORNAMENTAL GATE



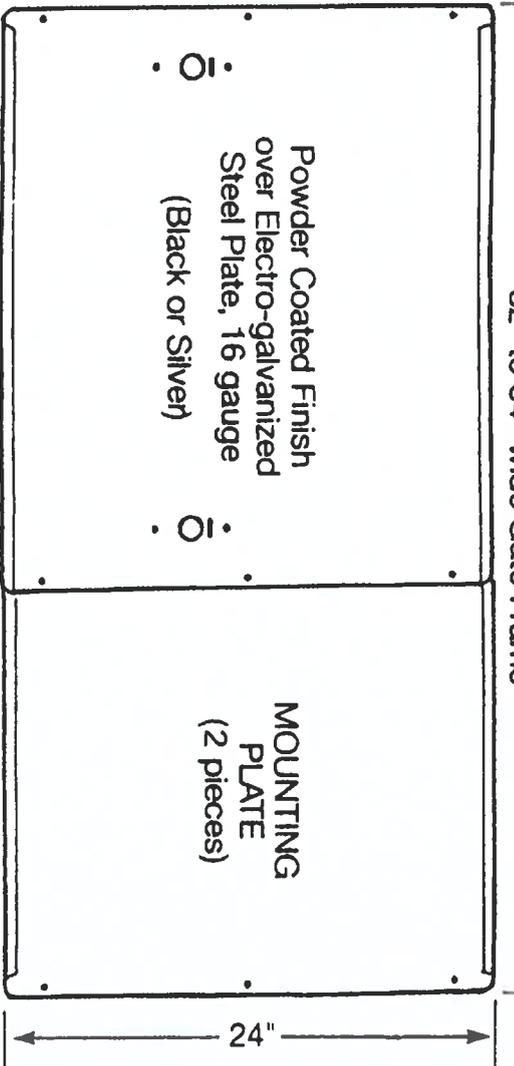
"DETEX" EXIT BAR with ALARM (9 volt battery)



"DETEX" EXIT BAR



EXIT BAR

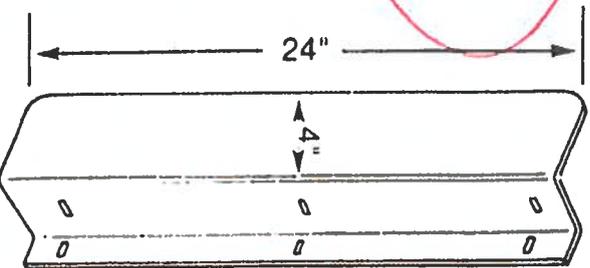


Adjustable MOUNTING PLATE
32" to 54" wide Gate Frame

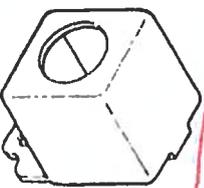
Powder Coated Finish over Electro-galvanized Steel Plate, 16 gauge (Black or Silver)

MOUNTING PLATE (2 pieces)

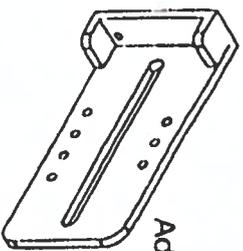
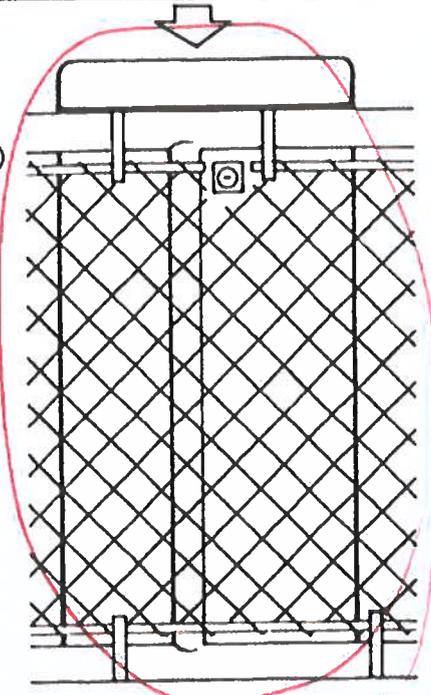
24"



GUARD (optional) Black or Silver



LOCK BOX (Black or Silver)



Adjustable RECEIVER BRACKET (Black or Silver)

DAC INDUSTRIES

Surface Mount Exit Bar with Alarm

Item # D-6006-P



Actual product(s) may vary from pictures shown



Planning & Zoning Meeting

February 24, 2020

Concerns brought up

1. Concern by property owner within the area that they were not notified about the meeting.
2. Property owner within the area advised that she had gone to the school property and spoken to several students and parents, and they stated that they were not aware of what was going on. Citizen advised that she found out about the meeting from the sign that was posted.
3. Property owner within the area was upset because she asked for the Fire Marshals report and could not obtain it. Citizen was advised that the local Fire Department was in contact with the Fire Marshals Office on this project. Citizen was advised that if a request for public records was submitted, it would have gone to the Fire Department and they did not receive a request.
4. Property owner within the area advised that she spoke with one of the School Board members and was told that the gates would be open after school hours to allow people to park in the area.
5. Property owner within the area complained because there was not a large format copy of the survey right in front of her.
6. Property owner within the area complained because the Commission Chair was not at the meeting but was advised that there was a quorum and the meeting could proceed.
7. Property owner within the area complained that the project had already been approved by City Council and was now being presented to this commission. Citizen was advised that no projects had been presented to City Council in about six months, and this project will not go to City Council until the Planning & Zoning Commission makes a recommendation.
8. Another citizen, who is not a resident within the 100-foot radius of the project area, brought up the Open Meetings Policy. She criticized the Schools, the City, and the Commission for not being transparent. She criticized the schools for not being ADA compliant. She also voiced a concern that she did not get a notice for the meeting and she believed that the proper steps were not followed, and the meeting was not advertised properly.

Meeting was tabled by the Planning & Zoning Commission until the school district has a sit-down meeting with the property owners to get the parking situation resolved.

Las Vegas  *City Schools*

L. Larryssa Archuleta
Superintendent

901 Douglas Avenue
Las Vegas, New Mexico 87701
Phone: (505) 454-5700
Fax: (505) 454-5712

www.cybercardinal.com

Community Meeting for residents near Robertson High School
Input welcomed concerning parking
Thursday, February 27, 2020 at 12:00 pm
Lunch will be provided
Meeting will take place at Las Vegas City Schools Administration
Building
Board Room - Second Floor
901 Douglas Avenue, Las Vegas, NM 87701

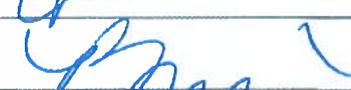
LAS VEGAS CITY SCHOOLS
Community Input Meeting
Parking at Robertson High School
 Thursday, February 27, 2020
 12:00 pm

PRINT NAME

SIGNATURE

Phillip Marquez
 LouAnn Marquez
 Michael Angen
 Tam Taylor


 LouAnn Marquez



Ryan Baum ryan.e.baum@gmail.com



PHILIP MARTINEZ

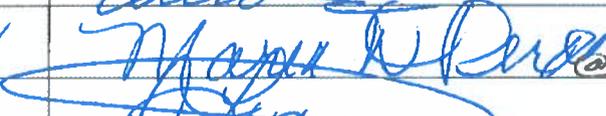
Billy Montoya L.V.F.D.
 Mari Hillis


 Mari Hillis

STEVEN SPANN L.V.F.D.



Maria Perea City of LV

 Maria Perea
 @lasvegascity

Laura Lucero



JESSE ABEL



Victor Valdez



Carla Pacheco



Karen Archuleta



Dennis E. Pena



Cecilia Pena



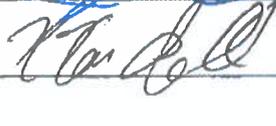
Pilar Murray



Jaylene Quiles



Kelsey Kendall kkendall@lasvegascity.com



Community Meeting for Parking Near Robertson High School

Thursday, February 27, 2020

Identified Concerns

Traffic on 4th street needs to be more organized

Buses should enter & exit on 3rd street

Security on 4th and Baca

No transparency of the Administration, decisions made without the community

Traffic, litter/trash, and illegal parking

Students parking in residential areas, disregard for ordinances

People parking where "No Parking" signs exist

Excessive speeding near schools and residential areas

Traffic flow/Impact been studied

Students loitering on curbs and smoking

Bothering residential trash bins, possible drug deals, foul language during school lunches

City police to help guide parents and students during morning and afternoon, different options

Major Concerns:

Traffic Flow and Trash

Illegal Parking

Other Concerns talked about:

No transparency from Administration when decisions are made. Residents want to be informed.

Buses to enter on 3rd

Students parking in residential areas

Drug Deals



Re: Planning & Zoning Meeting

1 message

Montoya, Lawrence, PRC <Lawrence.Montoya@state.nm.us>

Tue, Feb 25, 2020 at 10:54 A

To: "amgallegos@lasvegasnm.gov" <amgallegos@lasvegasnm.gov>

Cc: Phillip Martinez <phillipmartinez@frankenconstruction.com>, Dante Vigil <dantevigil@frankenconstruction.com>, "Archuleta, Larryssa" <larryssaarchuleta@cybercardinal.com>, Robert Archuleta <rjarchuleta@lasvegasnm.gov>, Billy Montoya <bmontoya@lasvegasnm.gov>, Steve Spann <sspann@lasvegasnm.gov>, "mariaperea@lasvegasnm.gov" <mariaperea@lasvegasnm.gov>

Ann Marie Gallegos,

Good morning. I have been updated of the results of the Planning & Zoning Meeting, which was held yesterday afternoon. It is my understanding that the action item on the agenda has been tabled due to some concerns of the residential home owners. It appears that home owners are concerned about parking spaces in front of their homes and want assurance that their parking or access to their homes will not be hindered by visitors, students, or staff of Robertson High School. In an effort to provide some resolution to some of these concerns, based on the fact this office deals with these issues throughout the state, we offer the following recommendations:

1. Provide permitted parking to residential home owners or tenants in the affected areas, and maintain a vetting process to eliminate permit abuse and proper distribution of permits.
2. Provide proper signage, at adequate distances, which indicates "Permit Parking Only – Others will be towed" or similar verbiage.
3. Paint the affected curbs to visual indicate to persons that parking restrictions exist.
4. Require that the school district notify staff, students, and parents annually of the areas where parking is permitted and prohibited.
5. Inform the Chief of Police and his officers of areas where permitted parking is located, and to properly cite or tow vehicles, as required by ordinance.

I have spoken with Phillip Martinez from Franken Construction, and have informed him that construction may proceed on the cinderblock wall and the addition of a fire department access gate at this location. Path of egress illumination and all other previously indicated deficiencies may continue to be corrected, in accordance with the Fire & Life Safety Inspection Report. It is understood that any construction to add a new gate on 4th Street near Baca Avenue shall not begin until such time the City of Las Vegas and the Planning & Zoning Committee has properly vacated that portion of the street.

I hope this helps to some degree, so that the process may continue to move forward. If I can be of any further assistance, please do not hesitate to contact me.

Respectfully,

Lawrence Montoya, Jr.

New Mexico State Fire Marshal's Office

1120 Paseo de Peralta

Santa Fe, NM 87504

505.476.0080(o)

505.231.0962(c)

Lawrence.Montoya@state.nm.us

APPLICATION FOR VACATION - - An Application for the Vacation of a portion of 4th Street from the end of School Property on the south to Friedman Avenue on the north. Application was submitted by the Las Vegas City Schools

APPLICANT: Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

No Map/parcel data – currently City street

OWNER: City of Las Vegas
1700 N. Grand Avenue
Las Vegas, NM 87701

- | | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------|----|------------------------------------------------------------------------------------------------|
| 1. | 1-095-093-094-427
408/410 Friedman, LLC
1950 – 7 th Street
Las Vegas, NM 87701 | 2. | 1-095-093-106-433
Rachel Gray
1907 Mountain View
Gallup, NM 87301 |
| 3. | 1-095-093-112-435
Dwight J. Torres, Sr.
817 Chugar Drive
Las Vegas, NM 87701 | 4. | 1-095-093-122-384
Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701 |
| 5. | 1-095-093-168-431
Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701 | 6. | 1-095-093-158-375
Timothy P. Grener
1114 – 4 th Street
Las Vegas, NM 87701 |
| 7. | 1-095-093-160-370
Susano F. & Lorenza Ortiz
Revocable Trust
C/O Susano & Lorenza Ortiz
Rte. 2, Box 4-A
Sapello, NM 87745 | 8. | 1-095-093-162-365
Jose D. Trujillo
1110 - 4 th Street
Las Vegas, NM 87701 |

APPLICATION FOR VACATION - - An Application for the Vacation of a portion of 4th Street from the end of School Property on the south to Friedman Avenue on the north. Application was submitted by the Las Vegas City Schools

Page 2

- | | | | |
|-----|-----------------------------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------|
| 9. | 1-095-093-164-359
Phillip Marquez
1100 – 4 th Street
Las Vegas, NM 87701 | 10. | 1-095-093-171-385
Calvary Baptist Church
300 Baca Avenue
Las Vegas, NM 87701 |
| 11. | 1-095-093-176-372
Calvary Baptist Church
300 Baca Avenue
Las Vegas, NM 87701 | 12. | 1-095-093-149-338
Sam & Clare Romero
821 – 5 th Street
Las Vegas, NM 87701 |
| 13. | 1-095-093-152-330
Margarito Romero
1045 – 4 th Street
Las Vegas, NM 87701 | 14. | 1-095-093-169-347
Pablo G. Marrujo
308 General Stillwell, NE
Albuquerque, NM 87123 |
| 15. | 1-095-093-172-341
Charles Gutierrez
20 Berryhill Farms Rd.
Los Lunas, NM 87031 | 16. | 1-095-093-183-354
Marco Rodriguez
1055 – 3 rd Street
Las Vegas, NM 87701 |
| 17. | 1-095-093-186-348
Anthony Gonzales
3705 North Coronado Avenue
Farmington, NM 87401 | | |

OTHER:

Phillip Martinez
Franken Construction Co.
1025 Douglas Avenue
Las Vegas, NM 87701

APPLICATION FOR VACATION - - An Application for the Vacation of a portion of 4th Street from the end of School Property on the south to Friedman Avenue on the north. Application was submitted by the Las Vegas City Schools

Page 3

ONLY ONE (1) LETTER SENT - - All properties belong to Las Vegas City Schools

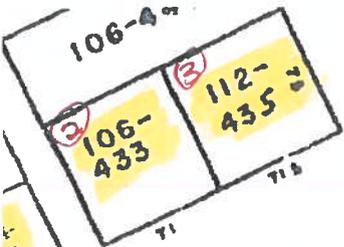
ONLY ONE (1) LETTER SENT - - All properties belong to Calvary Baptist Church

Above list was updated on January 30, 2020 as per information obtained from the San Miguel County Assessor's Office On-Line Land Records for 2019 and are current. List was verified by Maria D. Perea, Planning & Zoning Coordinator for Community Development Department.

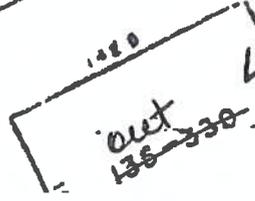
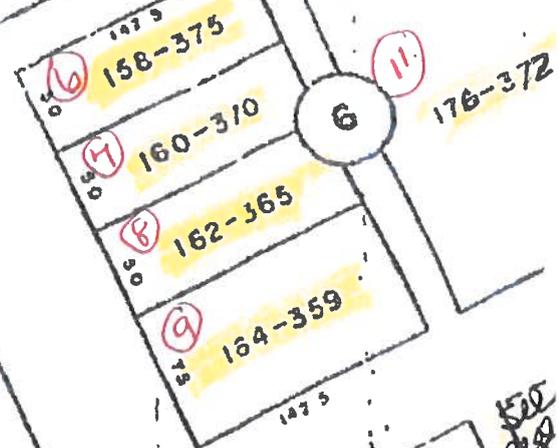
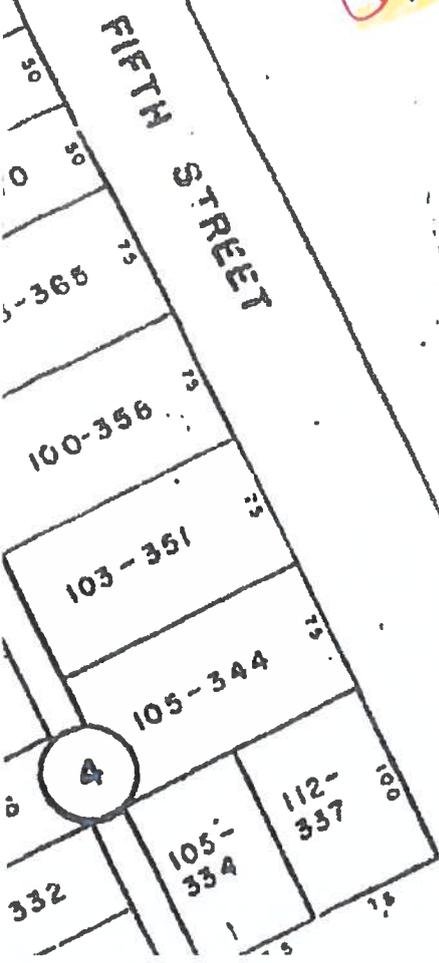
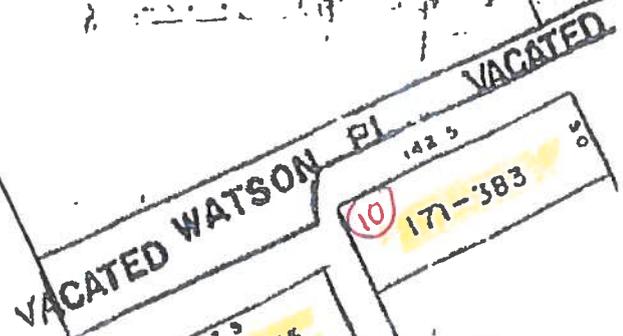
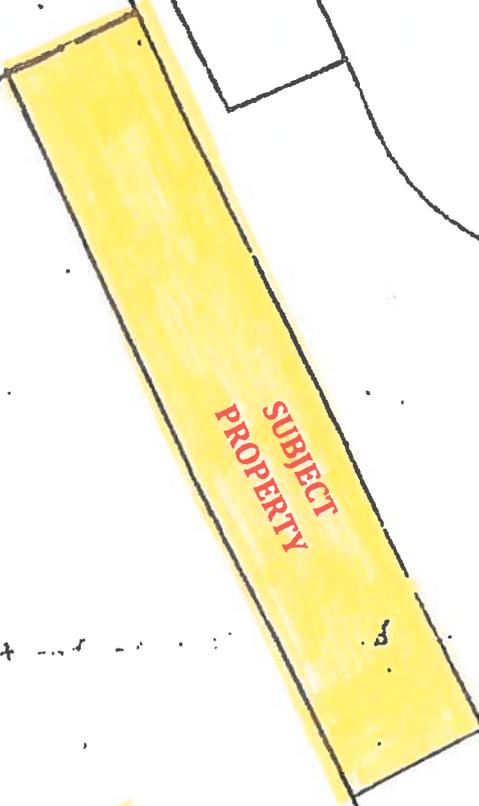
116N, R16E, Section 23

1-095-093

SCALE: 1" = 100' (Appr.)



ROBERTSON



22-384

FOURTH STREET

VACATED WATSON PL.

5

6

BACA AVE.

16

17

A

3

46

47

THIRD STREET

CODED IN QUAD 3 SEC 23

135-330
138-323
140-320

149-338
152-330
154-321
156-320

143-312
146-305
148-299
150-295
151-292
153-288

162-307
164-302
157-297
168-293
170-288
172-284
174-279

158-375
160-310
162-365
164-359
176-372
177-383

183-354
186-348
188-343
190-339
192-336
194-330
195-324
199-320
202-314
203-309
206-300
208-298
207-288
203-283

205-361

120-308
123-303
125-298
127-275
129-289
131-283

QUAD 3 SEC 23



The Board of Adjustment and Planning & Zoning Commission will hold a **PUBLIC HEARING** on Tuesday, May 26, 2020 at 4:00 pm, in the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico, to consider an application for **VACATION** of a portion of Fourth (4th) Street, Las Vegas, NM 87701 as submitted by the Las Vegas City Schools, 901 Douglas Avenue, Las Vegas, NM 87701. The legal description for this property is on file at Community Development Department, 1700 North Grand Avenue, Las Vegas, New Mexico 87701. This is a continuation of the meeting held on February 24, 2020 which was tabled.

This letter is notifying you because you own property within 100 feet (excluding public right-of-way) of the proposed **VACATION**. Until further notice, you may submit written testimony in favor or in opposition to this request. The written testimony will be read into the record and made a part of the Record Proper. Written statements will be accepted until 2:00pm on Tuesday, May 26, 2020. Statements may be sent via fax to (505) 425-7335, Attention: Maria Perea or via email at mariaperea@lasvegasnm.gov. Any applicant aggrieved by the decision of the Board of Adjustment and Planning & Zoning Commission, may file a written notice of appeal.

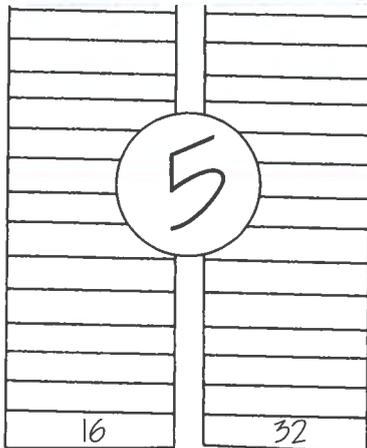
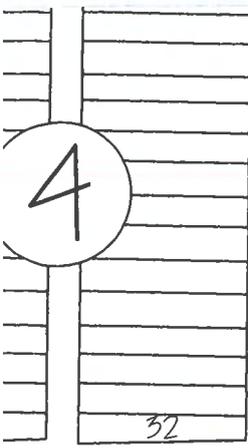
If you require further information, please contact Maria Perea, Planning & Zoning Coordinator at (505) 454-1401, Ext. 1608 or via email: mariaperea@lasvegasnm.gov.

CITY OF LAS VEGAS

COMMUNITY DEVELOPMENT DEPARTMENT
1700 NORTH GRAND AVENUE
LAS VEGAS, NEW MEXICO 87701

'NOT TO SCALE'





RIEDMAN AVENUE

ROBERTSON HIGH
ATHLETIC
FIELD

FIFTH STREET

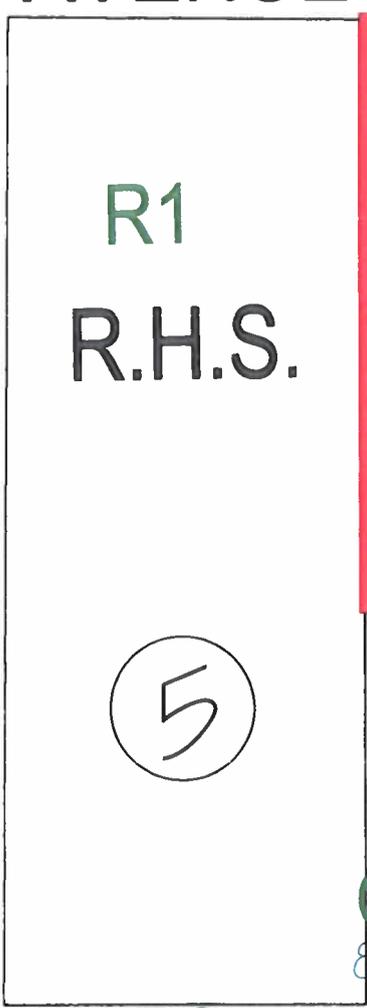
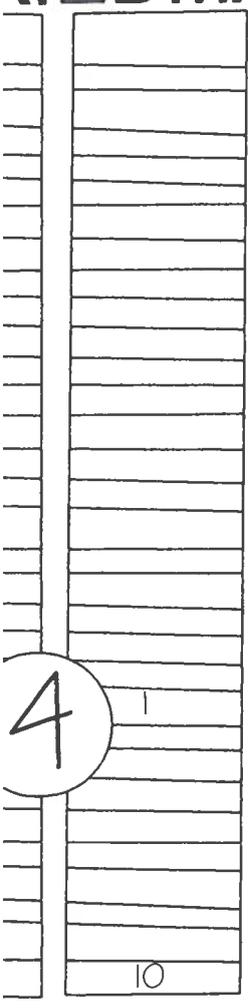
R1
R.H.S.

FOURTH ST.

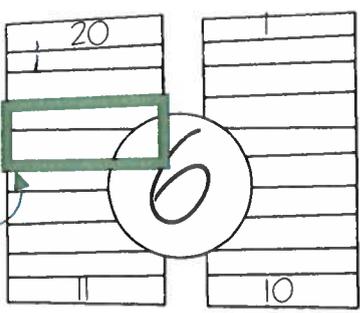
R1

R3
80-25

PAUL
ELEM
SCHOOL

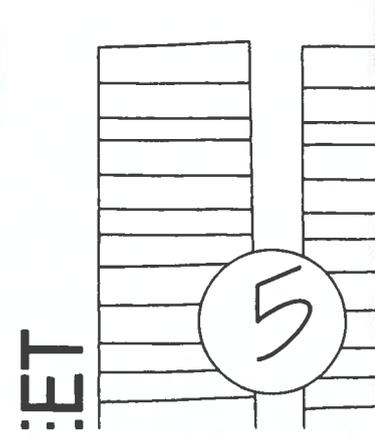
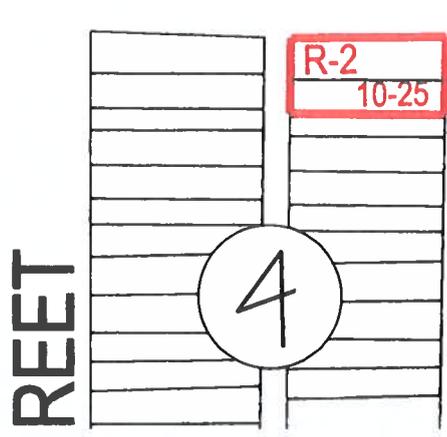
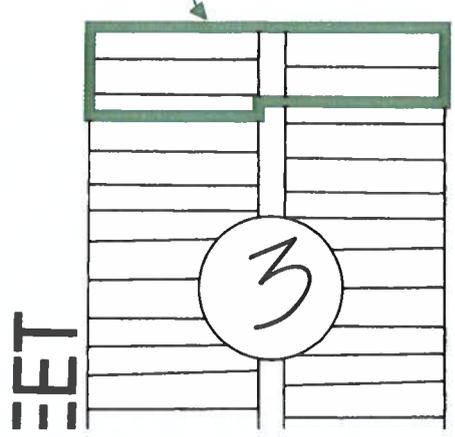
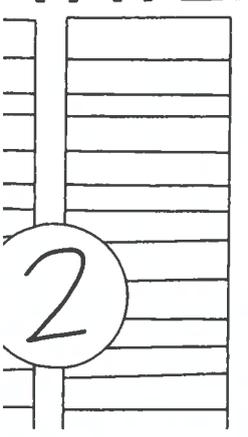


01
82-19



A AVENUE

R2 78-29



June 3, 2020 | 7

95-425-6796
asoptic.com
asoptic.com

**NOTICE OF THE
CITY OF LAS VEGAS
City Council Meeting**

Notice is given that the Las Vegas City Council will hold a Public Hearing on Wednesday, June 17, 2020 at 6:00 p.m., at the City of Las Vegas Council Chambers, 1700 N. Grand Avenue, Las Vegas, New Mexico 87701.

The public is invited to attend. The following items will be presented to City Council by Community Development:

1. Conduct a Public Hearing and Approve/Disapprove the adoption of Resolution # 20--09, an amendment to the Official Zoning Map for the vacation of a portion of 4th Street, between Friedman Avenue and Baca Avenue as submitted by the Las Vegas City Schools

2. Conduct a Public Hearing and Approve/Disapprove the adoption of Ordinance # 20-02, for an amendment to the Official Zoning Map for rezoning of property located at 1412 - 6th Street from an R-1 (Single Family Residential Zone) to a C-3 (General Commercial Zone) as submitted by Center Pointe Development Group, LLC (Applicant) and Pay & Save, Inc. (Owners).

The City Council may convene in Executive Session if the subject matter of such discussion or action is exempted from the open meeting requirement under Section 10-15-1 (H) of the Open Meetings Act.

CITY OF LAS VEGAS
/s/ Casandra Fresquez
City Clerk
PUB: Las Vegas Optic,
June 3, 2020
#20060179

**RECORD PROPER
APPLICATION FOR VACATION OF STREET**

Applicants: Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

Location: Portion of 4th Street, between Baca Avenue
and Friedman Avenue - See survey

Hearing Date: Monday, February 24, 2020

ACTION REQUESTED:

A recommendation for approval of or disapproval of a Vacation of a portion of 4th Street between Baca Avenue and Friedman Avenue, as shown on attached survey. Application was submitted by the Las Vegas City Schools, in order to fence off the area for additional security for students at the schools. Application was originally heard on July 29, 2019 but was denied as the Commission required more information.

BACKGROUND:

The Las Vegas City Schools want to vacate the portion of 4th Street shown on the survey, as it is primarily utilized as parking by students at the schools there. Las Vegas City Schools personnel feel that fencing off the area and placing gates at the south end of the property will make the premises more secure for students.

EXHIBITS

Exhibit No.	Description (Document Name, date and number of pages)
1	Application for Vacation of a portion of 4 th Street submitted on April 25, 2019. Requested information required to complete and have received all information now - - 1 page
2	Revised Preliminary Boundary Survey # 018-074, completed by Winston & Associates, LLC for the Las Vegas City Schools for the Vacation of a portion of 4 th Street - - 1 page
3	Letter to applicant advising of the meeting date and time, dated February 6, 2020. Same letter was sent to Project Manager. - - 1 page
4	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 - - 7 pages
5	Aerial photo of Subject property - - 1 page
6	Revised plans for fence and area the Las Vegas City Schools is trying to vacate - - 1 page

7	Summary of Comments requested and submitted by Fire Department, Water Department, Gas Department, Wastewater Department, Solid Waste Department and Public Works Department - - 1 page
8	Copy of legal ad placed in the Las Vegas Optic on February 7, 2020 - - 1 page
9	Copies of photos of signs posted on the boundaries of the Property - - 2 pages
10	Copies of Certified Mail receipts showing name of persons sent a notice, with the date they were mailed stamped on them - - 3 pages
11	E-mail from Phillip Martinez, Project Coordinator dated August 21, 2019, detailing changes from original plans being implemented regarding fence and portion of 4 th Street - - 2 pages
12	Correction Notice from the New Mexico State Fire Marshal's Office dated November 12, 2019. Inspection of premises was conducted on October 09, 2019 - - 7 pages
13	E-mail from the New Mexico State Fire Marshal's Office dated November 26, 2019 requesting information on points noted on the inspection report - - 1 page
14	E-mail from the New Mexico State Fire Marshal's Office dated January 22, 2020 confirming the review of and approval of the revised plans - - 3 pages
15	Information on security measures being implemented for egress/ingress to the subject property by First Responders - - 2 pages
16	Information on security measures being implemented/corrected for the building doors and signs - - 6 pages
17	Staff Report on Application - - 2 pages

**RECORD PROPER
APPLICATION FOR VACATION OF STREET**

Applicants: Las Vegas City Schools
901 Douglas Avenue
Las Vegas, NM 87701

Location: Portion of 4th Street, between Baca Avenue
and Friedman Avenue - See survey

Hearing Date: Tuesday, May 26, 2020

ACTION REQUESTED:

A recommendation for approval of or disapproval of a Vacation of a portion of 4th Street between Baca Avenue and Friedman Avenue, as shown on attached survey. Application was submitted by the Las Vegas City Schools, in order to fence off the area for additional security for students at the schools. Application was originally heard on July 29, 2019 but was denied as the Commission required more information. Application was presented a second time on February 24, 2020 and was tabled at that time because of issues brought up.

BACKGROUND:

The Las Vegas City Schools want to vacate the portion of 4th Street shown on the survey, as it is primarily utilized as parking by students at the schools there. Las Vegas City Schools personnel feel that fencing off the area and placing gates at the south end of the property will make the premises more secure for students.

EXHIBITS submitted for Current Meeting

Exhibit No.	Description (Document Name, date, and number of pages)
------------------------	-------------------------------------------------------------------

A	List of property owners within 100-feet of subject property that were sent another notice on May 8, 2020 via certified mail, copy of Assessor's map of the area, updated vicinity map and zoning map of the subject property - - 7 pages
B	Copies of Certified Mail receipts showing name of persons sent a notice, with the date they were mailed stamped on them - - 3 pages
C	Copies of back of all envelopes showing name and address of all property owners notified for the May 26, 2020 meeting - - 7 pages
D	Copy of legal ad placed in the Las Vegas Optic on May 8, 2020 - 1 page
E	Copies of photos of signs posted on the boundaries of the Property - 2 pages
F	Copy of letter sent to Applicant and Property owner regarding the meeting date and time - 2 pages

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On May 26, 2020, the Las Vegas Planning and Zoning Commission considered an application submitted by the Las Vegas City Schools (Applicants) for the Vacation of a portion of 4th Street, as shown on a revised Preliminary Plat # 018-074 completed by Winston & Associates, LLC. Proposed vacation is to fence off the area for security purposes for the schools in the area. This is the 3rd time the Commission has heard this project and 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 scheduled for May 26, 2020 before the Planning and Zoning Commission was published in the Las Vegas Optic on May 8, 2020, faxed to area media on May 11, 2020, mailed via certified mail on May 8, 2020 to property owners within 100 feet, and notice was posted on the external boundaries of the property on May 8, 2020.

APPLICATION

The applicants, Las Vegas City Schools, have applied for the Vacation of a portion of 4th Street, which is situated between Las Vegas City Schools property. The vacation of the area indicated on the survey would assist the Las Vegas City Schools in providing more security for the students of the schools situated there. This is the 3rd time this application has been presented, and there have been numerous concerns about the project.

LAND HISTORY

The property is currently utilized as parking for teachers and students of Robertson High School and Memorial Middle School and the street has barriers at the north end facing Friedman Avenue already.

TESTIMONY

First meeting on July 29, 2019, testimony from residents of the area included concerns about Postal Service, FedEx, and other delivery service trucks delivering goods to the residents and about how they are going to turn around; residents voiced a concern that the Las Vegas City Schools had not met with them prior to this meeting regarding the vacation; City staff had concerns about emergency vehicles having access to area in an emergency if gates are closed, about access for maintenance of gas and water lines and reading of the meters, about how big trash trucks were going to be turning around when they go pick up the commercial trash bins in the area; Commissioners voiced a concern that although the Las Vegas City Schools had received a notice for the meeting, there was no representative from the Schools at the meeting.

At the 2nd meeting on February 24, 2020, there were still concerns about the Schools not having public meetings with the residents of the area, that residents further away than 100-feet of the subject property did not receive notices, about drugs etc. There was one person who spoke to the Commission who lives about 1,500 feet away, who wanted to be mailed a

notice. Individuals complained because there was not a survey right in front of them to review. There was a meeting scheduled for March 30, 2020, which was subsequently cancelled.

At the 3rd meeting on May 26, 2020, there were no written statements submitted. The Commission was aware of all the concerns from previous meetings. Ms. Archuleta stated that after hearing concerns from citizens and other about the project, they have done the requested updates to plans and have received a final approved plan from the State Fire Marshal's Office. They have also conducted a public input meeting with property owners of the area and submitted the results of that meeting. Easements are being prepared for City Utilities in the area for maintenance if required. The large trash bins have been moved to the area where the bus enclosure is located. Vacation area was shortened by approximately 110 feet to accommodate a turnaround for vehicles. Ingress and egress for emergency vehicles has been made by removing the concrete barrier on Freidman Avenue and replacing it with gates.

COMMISSION'S RECOMMENDATION

Based upon the Findings of Fact, the Commission made the following recommendation:

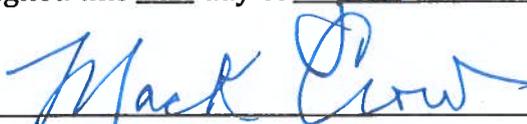
1. Motion was made to recommend the Vacation of a portion of 4th Street as noted on attached survey, which will be recorded once final approval is obtained and with stipulations stated on Resolution 20-09.

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 Vacation of the portion of 4th Street is in accordance with the Las Vegas Comprehensive Plan.
3. The Commission recommends to the City Council that the proposed Vacation of a portion of 4th Street be approved.

Signed this 5th day of June, 2020



Mack Crow
Planning & Zoning Commission Chairperson

**CITY OF LAS VEGAS, CITY COUNCIL
RESOLUTION NO. 20-09**

A RESOLUTION TO QUITCLAIM OF A PORTION OF 4th STREET TO THE LAS VEGAS CITY SCHOOLS, WITHIN THE CITY OF LAS VEGAS.

WHEREAS, the Las Vegas City Schools (“LVCS”) applied for the vacation of a portion of the right-of-way on 4th Street, from a point north of Baca Avenue to a point south of Friedman Avenue (“ROW Portion”), as seen on the Boundary Survey by Winston & Associates LLC Land Surveying and attached hereto as **Exhibit A**;

WHEREAS, the legal description of the ROW Portion is as follows:

A tract of land lying and being situate within Section 23, Township 16 North, Range 16 East, N.M.P.M. as projected into the Las Vegas Land Grant, Las Vegas, San Miguel County, New Mexico, as shown on an unrecorded survey plat titled “BOUNDARY SURVEY PREPARED FOR LAS VEGAS CITY SCHOOLS,” prepared by Edward G. Winston, PLS 6999, drawing No. 018-074 and more particularly described by metes and bounds as follows:

Commencing at the State of New Mexico Triangulation station “GOLF” thence S09°06’43”E A Distance Of 2995.33’ to the northeast corner and **POINT OF BEGINNING** of this tract;

Thence S27°42’24”E A Distance Of 491.68’ to the SE’ly corner of the tract;

Thence S62°17’36”W A Distance Of 80.00’ to the SW’ly corner of the tract;

Thence N27°42’24”W A Distance Of 492.26’ to the NW’ly corner of the tract;

Thence N62°42’48”E A Distance Of 80.00’ to the **POINT OF BEGINNING**.

Said parcel contains .904 acres, more or less.

Said parcel is subject to any and all easements and matters of record.

WHEREAS, on May 26, 2020, the Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive public input concerning the proposed vacation of the ROW Portion and on May 26, 2029 adopted a motion recommending approval of the proposed vacation of the ROW Portion; and

WHEREAS, on June ___, 2020, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive public input concerning the recommendations of the Planning and Zoning Commission for the City of Las Vegas (“City”) to vacate the ROW Portion to LVCS.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the City of Las Vegas, New Mexico, hereby incorporates the recitals and any exhibits herein by reference and grants the following action in response to LVCS’s application for the vacation of the ROW Portion. The Governing Body hereby adopts the following findings and resolves as follows:

following action in response to LVCS's application for the vacation of the ROW Portion. The Governing Body hereby adopts the following findings and resolves as follows:

1. The ROW Portion is currently being used predominantly as parking for students, faculty and staff at the Robertson High School campus;
2. The City does not have any use for the ROW Portion, because a permanent blockade has been in place for decades near 4th Street and Friedman Avenue ("Blockade") which prohibits the public from using the ROW Portion as a public thoroughfare on 4th Street between Baca Avenue and Friedman Avenue;
3. The City would benefit by not having to maintain the ROW Portion;
4. The City should quitclaim the ROW Portion to LVCS on the condition that the City and LVCS use a form of quitclaim deed substantially similar to **Exhibit B** attached hereto, and execute an agreement similar in substance to **Exhibit C** attached hereto.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF June 2020.

Louie A. Trujillo, Mayor

Reviewed and approved as to legal sufficiency only:

Scott Aaron, City Attorney

Attest:

Casandra Fresquez, City Clerk

**BOUNDARY SURVEY OF A PORTION OF THE RIGHT-OF-WAY OF FOURTH STREET BETWEEN BLOCK 3 AND BLOCK 4
OF PABLO BACA'S ADDITION TO LAS VEGAS, SAN MIGUEL COUNTY, NEW MEXICO,
WITHIN THE LAS VEGAS LAND GRANT, PROJECTED SECTION 23, TOWNSHIP 16 NORTH, RANGE 16 EAST, N.M.P.M.**

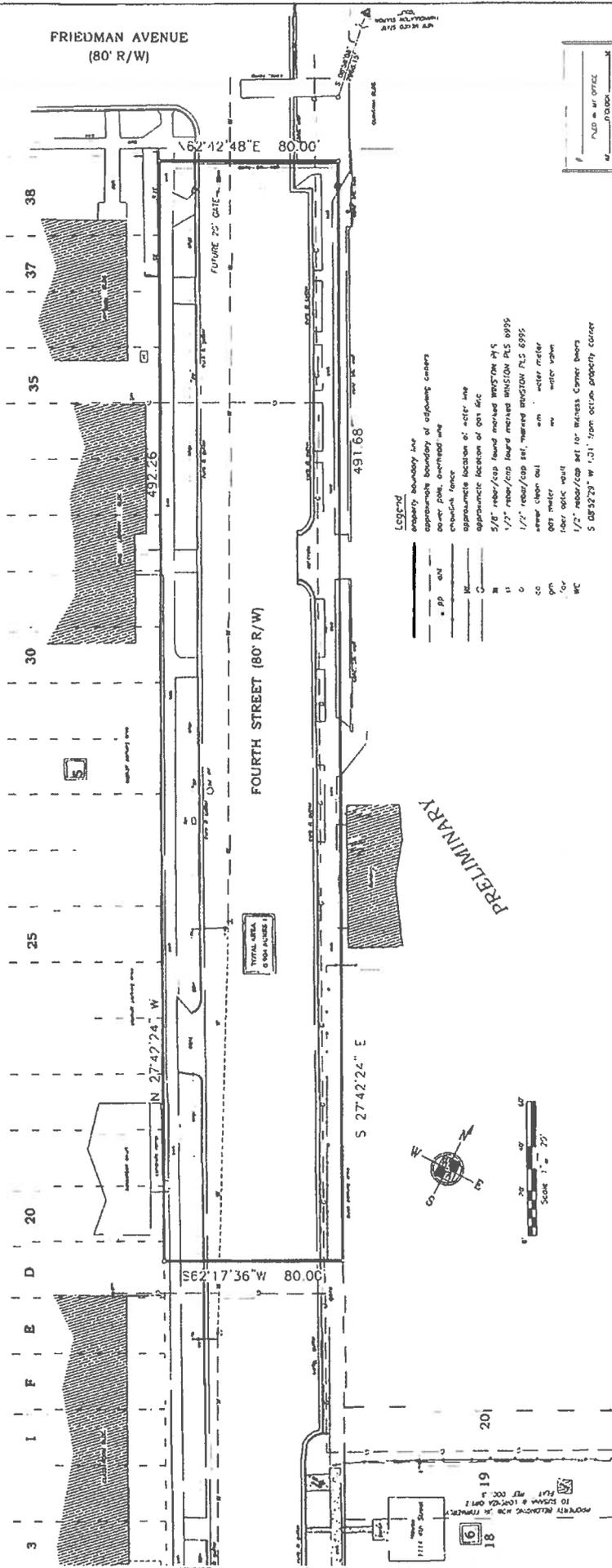


Exhibit A

SURVEYOR'S NOTES:
 1) The purpose of this survey is to determine the boundaries of a portion of the Right of Way of
 2) All bearings and distances are true bearings and distances taken on 8/1/2018.
 3) The survey of said street portion may be subject to easements, encroachments and existing or
 4) The survey of said street portion was conducted with a Leica TS15 total station with the following
 data of Recordation: A. 7210, in precision, a survey instrument (SIT) as shown on the instrument data
REFERENCE DOCUMENTS:
 1) City of Las Vegas (Las Vegas) City Engineer's Office, prepared by Howard E. Jones,
 City Engineer, for the City of Las Vegas, 1981, as shown on the office of records of the City of Las Vegas.
 2) Property Survey # 1981, prepared for the City of Las Vegas by Howard E. Jones,
 Howard E. Jones, Inc., Las Vegas, NV.

- Legend**
- Property Boundary Line
 - Approximate Boundary of adjoining centers
 - Center line overhead wire
 - Chain line
 - Approximate location of water line
 - 5/8" rebar/cap found marked MONITOR #15
 - 1/2" rebar/cap found marked MONITOR #15 8995
 - 1/2" rebar/cap set, marked MONITOR #15 8995
 - 1/2" rebar/cap set, marked MONITOR #15 8995
 - 1/2" rebar/cap set for wireless carrier bears
 - 5 085229" W 1.01' from other property corner

PLD	BY	DATE
BY	DATE	
BY	DATE	
BY	DATE	

BOUNDARY SURVEY

LAS VEGAS CITY SCHOOLS

Project No. 018 074

SURVEYOR'S CERTIFICATION

I, Howard E. Jones, a duly Licensed Professional Surveyor in the State of Nevada, do hereby certify that I am the Surveyor of Record for the above described property and that the above described survey was conducted by me or under my direct supervision and that I am a duly Licensed Professional Surveyor in the State of Nevada.

DATE: _____



Approved by City of Las Vegas City Manager: _____

Approved by City of Las Vegas Community Development Director: _____



AGREEMENT

This agreement ("Agreement") is being entered into on this ___ day of June, 2020 ("Effective Date") by and between the City of Las Vegas, a New Mexico home rule municipality ("City") and the Las Vegas City Schools ("LVCS"). Throughout this Agreement, either party may be referred to as "Party" or both parties may be referred to as "Parties".

RECITALS

WHEREAS, the City is the owner of that certain real property which shall be referred to as the "ROW Portion" shown on the Boundary Survey by Winston & Associates LLC Land Surveying and attached hereto as **Exhibit A**, and further described as:

A tract of land lying and being situate within Section 23, Township 16 North, Range 16 East, N.M.P.M. as projected into the Las Vegas Land Grant, Las Vegas, San Miguel County, New Mexico, as shown on an unrecorded survey plat titled "BOUNDARY SURVEY PREPARED FOR LAS VEGAS CITY SCHOOLS," prepared by Edward G. Winston, PLS 6999, drawing No. 018-074 and more particularly described by metes and bounds as follows:

Commencing at the State of New Mexico Triangulation station "GOLF" thence S09°06'43"E A Distance Of 2995.33' to the northeast corner and **POINT OF BEGINNING** of this tract;

Thence S27°42'24"E A Distance Of 491.68' to the SE'ly corner of the tract;

Thence S62°17'36"W A Distance Of 80.00' to the SW'ly corner of the tract;

Thence N27°42'24"W A Distance Of 492.26' to the NW'ly corner of the tract;

Thence N62°42'48"E A Distance Of 80.00' to the **POINT OF BEGINNING**.

Said parcel contains .904 acres, more or less.

Said parcel is subject to easements and matters of record.

WHEREAS, LVCS has requested the City vacate its interest in and to the ROW Portion;

WHEREAS, on May 26, 2020, the Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive public input concerning the proposed vacation of the ROW Portion and on May 26, 2029 adopted a motion recommending approval of the proposed vacation of the ROW Portion; and

WHEREAS, it is anticipated that the Governing Body of the City of Las Vegas, following adequate public notice, will hold a public hearing to receive public input concerning the recommendations of the Planning and Zoning Commission for the City to take action regarding the ROW Portion as it pertains to LVCS;

WHEREAS, the ROW Portion is currently being used predominantly as parking for students, faculty and staff at the Robertson High School campus;

EXHIBIT C

City of Las Vegas
Attn: City Manager and City Clerk
1700 N. Grand Avenue
Las Vegas, New Mexico 87701

With a copy to:

City of Las Vegas
Attn: City Attorney
1700 N. Grand Avenue
Las Vegas, New Mexico 87701

If to LVCS:

Las Vegas City Schools
Attn: _____
PO Box _____
Las Vegas, New Mexico 87701

7. This Agreement, including the Exhibits attached hereto, contains the entire understanding and meeting of the minds between the City and LVCS pertaining to the transaction contemplated by this Agreement and fully replaces all prior agreements and understandings between the City and LVCS regarding such transaction. In the event there is any conflict among this Agreement and the Exhibits or Agreement Documents, the provisions of this Agreement shall be controlling.

8. In the event of any controversy, claim or dispute between the City and Contractor affecting or relating to the subject matter or performance of this Agreement, the prevailing party, regarding of whether the matter is resolved by mediation, arbitration, settlement, trial or any other manner, shall be entitled to recover from the non-prevailing party all of the prevailing party's reasonable expenses, including without limitation, attorneys' fees, accountants' fees, witness' fees, consultants' fees and court costs.

9. The provisions of this Agreement and of any other documents to be executed and delivered in connection with this Agreement are and will be for the benefit of the City and LVCS only and are not for the benefit of any third party, and accordingly, no third party shall have the right to enforce the provisions of this Agreement or of any other documents to be executed and delivered in connection with this Agreement. By entering into this Agreement, the City and LVCS do not intend to create any right, title or interest in or for the benefit of any person or entity other than the City and LVCS.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico. Each of the parties hereby irrevocably submits to and accepts the jurisdiction and venue of the Fourth Judicial District Court in Las Vegas, New Mexico, or alternatively the 10th District Court in Albuquerque, New Mexico.

EXHIBIT C

WHEREAS, the City does not have any use for the ROW Portion as a permanent blockade has been in place for decades near 4th Street and Friedman Avenue (“Blockade”) which prohibits the public from using the ROW Portion as a public right-of-way on 4th Street between Baca Avenue and Friedman Avenue;

WHEREAS, the City would benefit by not having to maintain the ROW;

WHEREAS, the City is agreeable to quitclaim the ROW Portion to LVCS on the condition that the City shall retain a permanent roadway and utility easement that runs with the land for unlimited access over and across the ROW Portion for gas, water, waste water, solid waste services and other future matters that may arise, and that the City’s fire, police and other first responders be granted permanent and unlimited access to the ROW Portion at all times;

NOW THEREFORE, in consideration of the foregoing recitals, the covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and LVCS agree as follows and incorporate the Recitals and Exhibits herein by reference:

1. The City shall present a resolution to the City’s Governing Body regarding the conveyance of the ROW Portion to LVCS.
2. Upon the City’s Governing Body approving the aforementioned resolution, the City will quitclaim the ROW Portion to LVCS.
3. Upon the recording of said quitclaim deed, LVCS assume full responsibility for any and all maintenance of, and all other matters regarding, the ROW Portion.
4. The City and LVCS agree that the City shall reserve in the quitclaim deed a permanent roadway and utility easement that runs with the land for unlimited access over and across the ROW Portion for gas, water, waste water, solid waste services and other future matters that may arise for which the City may need to exercise its easement rights.
5. LVCS shall consult with the City, and specifically the City’s Utilities Director, regarding any proposed gates, walls, fencing or other such improvements to ensure that such matters do not pose a burden or restraint to the City’s easement to the ROW Portion or permanent and unlimited access by the City’s fire, police or other first responders.
6. LVCS shall remove the Blockade at their own expense, and not install any further barriers across or impediments to the ROW Portion without the prior written consent of the City.
7. Any notice to be given by either party to this Agreement, except those notices specifically provided for in a different manner herein, shall be given in writing and may be sent by personal delivery email (if an email address is provided herein) or otherwise sent by United States mail, postage prepaid, addressed as follows:

If to the City:

EXHIBIT C

11. This Agreement may only be amended if said amendment is in writing and signed by the City and LVCS.

12. If any term, provision or part of this Agreement is held to be void or unenforceable by a court of competent jurisdiction, then the remaining terms, provisions and parts of this Agreement shall continue to be valid and binding.

IN WITNESS WHEREOF, the City and Contractor hereto have read, understand and had the opportunity to have an attorney of their choosing review this Agreement, and through their duly authorized agents, by their signatures below, agree to be bound by the terms of this Agreement, and thereby execute this Agreement as of the Effective Date.

City of Las Vegas,
A New Mexico home rule municipality

Las Vegas City Schools

By: _____
William Taylor, City Manager

By: _____
Name:
Position:

Approved as to legal sufficiency only:

By: _____
Scott Aaron, City Attorney

Attest:

By: _____
Casandra Fresquez, City Clerk

EXHIBIT C



Approval Form

Date Submitted: June 3, 2020

Department Submitting: Comm. Development Point of Contact: Maria Perea

Documents to be reviewed: Draft Resolution #20-09, Vacation of Street

Amount of Pages: 3 pages

Upon Completion of review: Return to Maria Perea

Deadline: ASAP

Comments: Copy of preliminary survey is attached for area being vacated. Final survey will be signed and recorded if approved by City Council. Copy of attached were also emailed to Mr. Aaron.

Please mark according to how they should be reviewed by the following:

Approved / Disapproved:

Mary Romero, Finance Director Date _____

Approved / Disapproved (as to legal sufficiency):

Scott Aaron
Scott Aaron, City Attorney Date 6/5/2020

Approved / Disapproved:

W. Taylor
William Taylor Ph.D., City Manager Date 6-5-2020

Documents Picked Up: _____

By: _____
Print Name

Signature

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 6/5/20

DEPT: Finance

MEETING DATE: June 17, 2020

ITEM/TOPIC: Resolution 20-29

ACTION REQUESTED OF COUNCIL: Approval/Disapproval

BACKGROUND/RATIONALE: The City of Las Vegas is requesting increases/decreases in the transfer line items from fund 216 Streets Dept. (decreases) to fund 214 Street Co-op Projects (increase) and fund 433 Rehab of Airport Projects (increase) to meet match requirements for NMDOT funded projects. An increase/decrease in the transfer line item from General Fund 101 to fund 273 Comprehensive master plan and revenue/expenditure increase in fund 433 Rehab of Airport Projects per amendment number 1 of Project no. LVS-19-01 and in fund 214 to include the state funded portion of project numbers L400474 and L400446.

STAFF RECOMMENDATION: Approval

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.


SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:


WILLIAM TAYLOR, CITY MANAGER


SCOTT AARON, CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

 6/5/20
MARY ROMERO, FINANCE DIRECTOR
(PROCUREMENT)

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 20-29

A RESOLUTION TO MAKE BUDGET ADJUSTMENTS FOR THE 2019-2020 FISCAL YEAR

WHEREAS, the Governing Body of Las Vegas has developed a budget adjustment request for fiscal year 2019-20; and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out 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 budget adjustments in the 2019-2020 fiscal year budget to include increases/decreases in the transfer line items from fund 216 Streets Dept. (decreases) to fund 214 Street Co-op Projects (increase), and fund 433 Rehab of Airport Projects (increase) to meet match requirements for NMDOT funded projects. An increase/decrease in the transfer line item from General Fund 101 to fund 273 Comprehensive master plan and revenue/expenditure increase in fund 433 Rehab of Airport Projects per amendment number 1 of project no. LVS-19-01 and in fund 214 to include the state funded portion of project numbers L400474 and L400446; and

WHEREAS, the Governing Body finds that the budget adjustment request should be approved as it meets the requirements as currently determined for fiscal year 2019-20.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

APPROVED AND ADOPTED this ____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

CITY OF LAS VEGAS
 RESOLUTION # 20-29
 BUDGET ADJUST REQUEST
 FISCAL YEAR 2020

Resolution 20-29	Fund	Revenues	Transfers	Expenditures
Street Improvement (PW)	216-0000-890-9522	To 214/MAP L400321/L400474		To/MAP L400321/L400474
Street Improvement (PW)	216-0000-890-9714	To 214/COOP Keen St., W. National		To 214/COOP Keen St., W. Natic
Street Improvement (PW)	216-0000-890-9714	To 214/COOP Keen St., W. National		To 214/COOP Keen St., W. Natic
Street Improvement (PW)	216-0000-890-9824	To 433/SRE Building		Transfer in - General Fund
Steet Co-op/Projects	214-0000-890-9242	From 216/MAP L400321/L400474		From 216/MAP L400321/L4004
Steet Co-op/Projects	214-0000-890-9916	From 216/Co-op Keen St. W. National		From 216/Co-op Keen St. W. Na
Steet Co-op/Projects	214-0000-890-9916	From 216/Co-op Keen St. W. National		From 216/Co-op Keen St. W. Na
Rehab Taxiway ABC & Apron	433-0000-890-9045	Transfer in From 216/SRE Building		Transfer in From 216/SRE Buildi
General Fund	101-0000-890-9805	Transfer to 273		Transfer to 273
Comprehensive/LEDA Plan	273-0000-890-9085	Transfer In - General Fund		Transfer In - General Fund
SRE Building Mod	433-0000-430-5004	FAA Grant/Federal Portion	66,542.00	FAA Grant/Federal Portion
SRE Building Mod	433-0000-720-8075	3-35-0025-015-2017 SRE		3-35-0025-015-2017 SRE
Steet Co-op/Projects	214-0000-430-5377	St. Match - Co-op L400446	38,290.00	St. Match - Co-op L400446
Steet Co-op/Projects	214-0000-720-8064	St. Match - Co-op L400446		St. Match - Co-op L400446
Steet Co-op/Projects	214-0000-430-5376	St. Match - MAP L400474	190,167.00	St. Match - MAP L400474
Steet Co-op/Projects	214-0000-720-8063	St. Match - MAP L400474		St. Match - MAP L400474
			294,999.00	294,999.00

Contract No. D18060
Vendor No. 000054343
Control No. L400474

**MUNICIPAL ARTERIAL PROGRAM
COOPERATIVE AGREEMENT**

This Agreement is between the New Mexico Department of Transportation (Department) and City of Las Vegas (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Drainage and Misc. Improvements. This Project will be referred to interchangeably as "Project" or "Project Control No. L400474 ." The Project is a joint and coordinated effort for which Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

- a. The estimated total cost for the Project is Two Hundred Fifty Three Thousand Five Hundred Fifty Six Dollars and No Cents (**\$253,556**) to be funded in proportional share by the parties as follows:

1. Department's share shall be 75% \$190,167

Planning, Design, Construction, Reconstruction, Pavement Rehabilitation,
Construction Management, Drainage and Misc. Improvements

2. The Public Entity's required proportional matching
Share shall be 25% \$63,389
For purpose stated above

3. Total Project Cost **\$253,556**

- b. The Public Entity shall pay all Project costs, which exceed the total amount of Two Hundred Fifty Three Thousand Five Hundred Fifty Six Dollars and No Cents (**\$253,556**)
c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.
d. If the Project is not completed by the termination date in Section 6, the Public Entity shall return any unexpended funds.

Regular or Special
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 06/10/19

DEPT: PUBLIC WORKS

MEETING DATE: 06/19/19

ITEM/TOPIC: Approval of Resolution No.19-31 assuring the available matching funds, amount being \$253,556.00, state \$190,167.00 , City \$63,389.00 which is 25% of total cost of phase II.

ACTION REQUESTED OF COUNCIL: Approve/Disapprove of Resolution 19-31

BACKGROUND/RATIONALE: as part of the Municipal Arterial Program (MAP) Agreement submittal criteria for New Mexico Department of Transportation, a Resolution of support is required from our Local Governing Body assuring matching funds accompany agreement. In complying with the criteria, staff is requesting that this Resolution be approved for the Plan, Design, Construction, Construction Management, Reconstruction, Pavement Rehabilitation, Drainage and Misc. Improvements to Mountain View Drive, for this II phase of the project. Budgetary provisions will be made in this Public Works Department, during the 2019/2020 fiscal cycle.

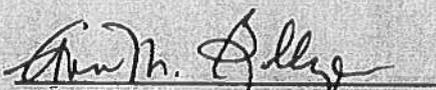
STAFF RECOMMENDATION: Approve Resolution 19-31

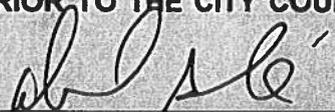
COMMITTEE RECOMMENDATION: N/A

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.

REVIEWED AND APPROVED BY:


TONITA GURULÉ-GIRÓN
MAYOR


ANN MARIE GALLEGOS,
INTERIM CITY MANAGER


SUBMITTER'S SIGNATURE

TANA VEGA
INTERIM FINANCE DIRECTOR
(PROCUREMENT)

ESTHER GARDUNO MONTOYA,
CITY ATTORNEY (ALL
CONTRACTS, ORDINANCES AND
RESOLUTIONS MUST BE
REVIEWED)

Approved on 6/19/19




March 15, 2018

NM Department of Transportation
District four
John Herrera, LGRF
P.O. Box 10
Las Vegas, NM 87701

Contract No. D15612 Vendor No. 54343
Project No. MAP-7647(911) Control No. L400321

Dear Mr. Herrera:

On behalf of City of Las Vegas, I would like to request disbursement of funds for the above reference project.

Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Drainage and Misc. Improvements-Mountainview Drive 7th St. to Grand Ave.

Project Cost: \$206,033.00

New Department of Transportation-MAP	\$206,033.00
<i>Requested Reimbursement Amount</i>	
<i>City of Las Vegas Proportional Matching 25%</i>	<i>received match waiver \$68,678.00</i>
<i>Total Funding</i>	<i>\$274,711.00</i>
<i>Total Project Cost</i>	<i>\$274,711.00</i>

Thank you for your assistance with this project. If any questions, please make contact @505-426-3295 Submitted,

Daniel Gurule
Project Manager
City of Las Vegas



NEW MEXICO DEPARTMENT OF
TRANSPORTATION

September 28, 2017

Richard Trujillo, City Manager
City of Las Vegas
1700 N Grand Ave
Las Vegas, New Mexico 87701

Project No: MAP-7647(911)

Dear City Manager Trujillo:

We are pleased to inform you that your request for Match Waiver funds, for Project MAP-7647(911) was approved by the State Transportation Commission. The project funding is as follows:

Total Project Amount:	\$274,711.00
Department Share:	\$206,033.00
Matching Funding Waived	\$68,678.00
Entity Match	\$.00

The District 4 office will develop needed documentation then forward to you for signature. If you have any questions or comments please contact me at (505) 827-5647.

Sincerely,

Clarissa Martinez
LGRF Coordinator, NMDOT

C: District 4 Engineer
District 4 LGRF Coordinator

Susana Martinez
Governor

Tom Church
Cabinet Secretary

Commissioners

Ronald Schmeits
Chairman
District 4

Dr. Kenneth White
Secretary
District 1

David Sepich
Commissioner
District 2

Keith Mortensen
Commissioner
District 3

Butch Mathews
Commissioner
District 5

Jackson Gibson
Commissioner
District 6

Agreement / Contract
No. 3357-17
City of Las Vegas
Date

Contract No. D15612
Vendor No. 000054343
Project No. MAP-7647(911)
Control No. L400321

**MUNICIPAL ARTERIAL PROGRAM
COOPERATIVE AGREEMENT**

This Agreement is between the New Mexico Department of Transportation (Department) and City of Las Vegas (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Drainage and Misc. Improvements. This Project will be referred to interchangeably as "Project" or "Project Control No. L400321 ." The Project is a joint and coordinated effort for which Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and deliheates the rights and duties of the parties.

2. Project Funding.

- a. The estimated total cost for the Project is Two Hundred Seventy Four Thousand Seven Hundred Eleven Dollars and No Cents (\$274,711) to be funded in proportional share by the parties as follows:

1. Department's share shall be 75% \$206.033

Planning, Design, Construction, Reconstruction, Pavement Rehabilitation,
Drainage and Misc. Improvements

2. The Public Entity's required proportional matching Share shall be 25% \$68.678
For purpose stated above

3. Total Project Cost \$274,711

- b. The Public Entity shall pay all Project costs, which exceed the total amount of Two Hundred Seventy Four Thousand Seven Hundred Eleven Dollars and No Cents (\$274,711)

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/06/20

DEPT: Public Works

MEETING DATE: 03/18/20

ITEM/TOPIC: Award bid # 2020-06 for the Reconstruction of Mountain View, Keen St., West National Ave. to Rocky Road Gravel for the Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements, and Miscellaneous Construction.

ACTION REQUESTED OF COUNCIL: Award bid # 2020-06 to Rocky Road Gravel

BACKGROUND/RATIONALE: Mountain View, Keen St. and West National Ave road ways are in dire need of rehabilitation to improve driving conditions and safety for the City of Las Vegas Traveling Public.

Advertised: January 15, 2020 Las Vegas Optic, Albuquerque Journal and the City website.

Bid Opening: February 05, 2020

Number of Bidders: 3	Rocky Road Gravel	\$537,667.50 excluding GRT
	Hays Plumbing & Heating	\$716,810.95 excluding GRT
	Star Paving	\$763,749.75 excluding GRT

STAFF RECOMMENDATION: Award Bid # 2020-06

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:



VINCENT HOWELL
MAYOR

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

ESTHER GARDUNO MONTOYA,
CITY ATTORNEY
(ALL RESOLUTIONS, ORDINANCES
& CONTRACTS MUST BE
REVIEWED)

Approved on
3/18/2020
[Signature]

TASK ORDER
TASK ORDER NO. 7

TASK TITLE: 2019 COOP Improvements- Keen Street/West National Construction Phase

The OWNER directs the ENGINEER/ARCHITECT to provide services as described below:
See attached proposal for Engineering Services

The ENGINEER/ARCHITECT estimates the period of performance to be as follows:
Services to be rendered to meet NMDOT funding schedules. Project will commence after receipt of approval from the OWNER.

The ENGINEER/ARCHITECT will be paid on Time and Materials basis as stated based upon the following estimate of the level of effort:

Time and Materials: (See attached task list)	\$ 56,255.00
Other Reimbursable Expenses (printing, mileage, etc):	\$ 925.00
Subtotal:	\$ 57,180.00
NMGRT (7.875%)	\$ 4,502.93
TASK ORDER TOTAL:	\$ <u>61,682.93</u> *

Proposed by ENGINEER/ARCHITECT <u>K.W.E.</u>	Recommended By <u>[Signature]</u>	Approved by CITY OF LAS VEGAS <u>[Signature]</u>
Date <u>06/19/19</u>	Date <u>6-25-19</u>	Date <u>6/28/2019</u>

Department	Project	P.O. No.	Account Number
<i>For Client Use Only</i>			

Notice of Award

Date: March 23, 2020

Project: Mountain View Drive, Keen Street, and West National Avenue Roadway Phase I Improvements

Owner: City of Las Vegas

Owner's Contract No.:

Contract: Mountain View Drive, Keen Street, and West National Avenue Roadway Phase I Improvements

Engineer's Project No.: LVG173-12

Bidder: Rocky Road Gravel Products, LLC

Bidder's Address: *[send Notice of Award Certified Mail, Return Receipt Requested]*
P. O. Box 1405
Las Vegas, New Mexico 87701

You are notified that your Bid dated January 31, 2020 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Mountain View Drive, Keen Street, and West National Avenue Roadway Phase I Improvements.

The Contract Price of your Contract is Five hundred and thirty-seven hundred thousand, six hundred and sixty-seven and 50/100 Dollars (\$ 537,667.50). The following documents are provided with the Notice of Award:

- Five (5) copies of the Agreement, Performance Bond, and Payment Bond.
- A Sample Insurance Certificate.

You must comply with the following conditions precedent within 10 days of the date you receive this Notice of Award.

1. You must deliver to the Owner's Engineer five (5) fully executed counterparts of the Agreement, the Contract Security Bonds, and Insurance Certificates, as specified in the Instructions to Bidders and General Conditions.
2. List other conditions precedent:

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of Las Vegas
Owner

By: Gene M. Salgado
Authorized Signature

Interim City Manager
Title

Copy to Engineer

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/06/20

DEPT: Public Works

MEETING DATE: 03/18/20

ITEM/TOPIC: Award bid # 2020-06 for the Reconstruction of Mountain View, Keen St., West National Ave. to Rocky Road Gravel for the Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements, and Miscellaneous Construction.

ACTION REQUESTED OF COUNCIL: *Award bid # 2020-06 to Rocky Road Gravel*

BACKGROUND/RATIONALE: *Mountain View, Keen St. and West National Ave road ways are in dire need of rehabilitation to improve driving conditions and safety for the City of Las Vegas Traveling Public.*

Advertised: *January 15, 2020 Las Vegas Optic, Albuquerque Journal and the City website.*

Bid Opening: *February 05, 2020*

Number of Bidders: 3	<i>Rocky Road Gravel</i>	<i>\$537,667.50 excluding GRT</i>
	<i>Hays Plumbing & Heating</i>	<i>\$716,810.95 excluding GRT</i>
	<i>Star Paving</i>	<i>\$763,749.75 excluding GRT</i>

STAFF RECOMMENDATION: Award Bid # 2020-06

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.

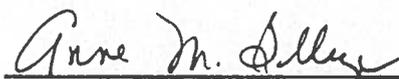

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



VINCENT HOWELL
MAYOR

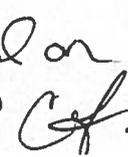
TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

ESTHER GARDUNO MONTOYA,
CITY ATTORNEY
(ALL RESOLUTIONS, ORDINANCES
& CONTRACTS MUST BE
REVIEWED)

Approved on
3/18/2020 

CORBIN

June 19, 2019

Mr. Daniel Gurule
Project Manager
City of Las Vegas
1700 North Grand Avenue
Las Vegas, New Mexico 87701

**RE: 2018-2019/2019-2020 COOP Improvements
Keen Street/West National Avenue
Proposal for Professional Engineering Services During the Construction Phase**

LVG173-22

Dear Mr. Gurule:

Molzen Corbin is pleased to present this proposal for Professional Engineering Services during the construction phase for the above-referenced project.

As you are aware, we have prepared preliminary design plans and specifications for the Keen Street/West National Avenue project and are planning on advertising the Keen Street/West National Avenue roadway improvements for 2019 fall construction. The City has received 2018-2019 COOP funding (L400397) in the amount of \$253,980.00 including the City match, as well as 2019-2020 COOP funding (L400446) in the amount of \$51,053.00 including the City match.

The Scope of Work below is based on previous coordination with you and City staff and on our general understanding of the project.

SCOPE OF WORK

1. West National Plan/Project Manual Revisions
 - a. Revise the Plans and Project Manual to reflect an approximate bid amount of \$225,000.00 excluding NMGRT.
 - b. Package the Keen Street/West National Avenue Plans and Project Manual with the Mountain View Drive Plans and Project Manual to advertise as one project.
2. Bidding and Award Phase Services
 - a. Advertise and open construction bids for the project, including responding to bidders' questions during the advertisement period and preparing addenda, as required, for the bid documents.
 - b. Prepare the Bid Tabulation, Bid Evaluation, and provide award information to the City.
3. Construction Phase Services
 - a. Schedule and attend the Pre-Construction Conference including the preparation of meeting minutes.
 - b. Attend construction progress meetings once every two weeks or once a month as agreed to at the Pre-Construction Conference.
 - c. Review Contractor's submittals.
 - d. Respond to Contractor's inquiries in the form of a Request for Information (RFI).
 - e. Review and process Change Orders that may arise due to unforeseen conditions.

MolzenCorbin.com

- f. Coordinate with the City, Construction Observer, and Contractor as needed during the construction duration.
 - g. Coordinate with the NMDOT when required by the funding agreement or clearances as requested by the City.
 - h. Review Contractor's payment applications.
4. Closeout
- a. Coordinate and attend the Substantial Completion inspection including the development of the punch list of items to be completed prior to final close-out.
 - b. Coordinate and attend the final walk through to verify completion of punch list items.
 - c. Prepare as-built Record Drawings.
 - d. Coordinate with Contractor for submission of close-out documents listed in the Project Manual. Review Contractor's close-out submittals

The following items are excluded from the above Scope of Services, however, we would be pleased to undertake any of these tasks at the City's request:

- Public coordination.
- Subsurface utility engineering.
- Cultural or Biological Resources Survey and/or report.
- Environmental documentation.
- Permitting with City or Agency.
- Qualifications based bidding documents.

COMPENSATION

We propose a Time and Materials budget for Design Services and Construction Services as described below:

TIME AND MATERIALS TASKS	
West National Plan/Project Manual Revisions	\$ 4,005.00
Bidding and Award Phase	\$ 2,640.00
Construction Phase Services	\$ 16,030.00
Closeout	\$ 7,580.00
Construction Observation (Part-Time)	\$ 26,000.00
Reimbursables	\$ 925.00
Subtotal Excluding NMGRT	\$ 57,180.00

This budget will not be exceeded without your prior authorization.

COMPLETION

We are estimating Fall 2019 construction, with the substantial completion 120 days after the Notice to Proceed, if the MAP and COOP projects are advertised together.

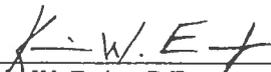
Mr. Daniel Gurule
June 19, 2019
Page 3

If you are in agreement with the proposed Scope, Schedule, and Fee for these services, please sign this Task Order/Agreement letter and return to Molzen Corbin.

We appreciate the opportunity to provide Professional Engineering Services to the City of Las Vegas. If you have any questions or require additional information, please contact Mr. Jonah Ruybalid, P.E. or myself at (505) 242-5700.

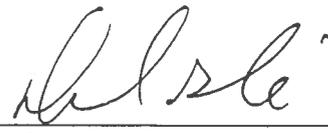
Sincerely,

MOLZEN CORBIN



Kevin W. Eades, P.E.
Executive Vice President

CITY OF LAS VEGAS



Daniel Gurule
Project Manager

JR:scc

63,495.00 +
12,763.00 +
76,258.00G +

Contract No. D18053
Vendor No. 54343
Control No. L400446

**LOCAL GOVERNMENT ROAD FUND
COOPERATIVE AGREEMENT**

This Agreement is between the New Mexico Department of Transportation (Department) and City of Las Vegas (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for **Plan design, construction management, construction, reconstruction, pavement rehab, drainage improvements and miscellaneous construction to various city streets**, as described in Control No. **L400446** and the Public Entity's resolution attached as **Exhibit C (Project)**. The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

a. The estimated total cost for the Project is **Fifty One Thousand, Fifty Three Dollars (\$51,053.00)** to be funded in proportional share by the parties as follows:

1. Department's share shall be 75% **\$38,290.00**

**Plan design, construction management, construction, reconstruction,
pavement rehab, drainage improvements and miscellaneous construction to
various city streets**

2. The Public Entity's required proportional matching
Share shall be 25% **\$12,763.00**
For purpose stated above

3. Total Project Cost **\$51,053.00**

Contract No. DIS952
Vendor No. 54343
Project No. SP-4-19(957)
Control No. L400397

**LOCAL GOVERNMENT ROAD FUND
COOPERATIVE AGREEMENT**

This Agreement is between the **New Mexico Department of Transportation** (Department) and **City of Las Vegas** (Public Entity). This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44-12, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Plan design, construction management, construction, reconstruction, pavement rehab, drainage improvements and miscellaneous construction to various city streets**, as described in Project No. **SP-4-19(957)**, Control No. **L400397**, and the Public Entity's resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

a. The estimated total cost for the Project is **Two Hundred Fifty Three Thousand, Nine Hundred Eighty Dollars (\$ 253,980.00)** to be funded in proportional share by the parties as follows:

1. Department's share shall be 75% **\$ 190,485.00**

Plan design, construction management, construction, reconstruction, pavement rehab, drainage improvements and miscellaneous construction to various city streets.

2. The Public Entity's required proportional matching Share shall be 25% **\$ 63,495.00**
For purpose stated above

3. Total Project Cost **\$ 253,980.00**

b. The Public Entity shall pay all Project costs, which exceed the total amount of **Two Hundred Fifty Three Thousand, Nine Hundred Eighty Dollars (\$ 253,980.00)**.

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 03/06/20

DEPT: Public Works

MEETING DATE: 03/18/20

ITEM/TOPIC: Award bid # 2020-06 for the Reconstruction of Mountain View, Keen St, West National Ave to Rocky Road Gravel for the Construction, Reconstruction, Pavement Rehabilitation, Drainage Improvements, and Miscellaneous Construction.

ACTION REQUESTED OF COUNCIL: Award bid # 2020-06 to Rocky Road Gravel

BACKGROUND/RATIONALE: Mountain View, Keen St. and West National Ave road ways are in dire need of rehabilitation to improve driving conditions and safety for the City of Las Vegas Traveling Public.

Advertised: January 15, 2020 Las Vegas Optic, Albuquerque Journal and the City website.

Bid Opening: February 05, 2020

Number of Bidders: 3	Rocky Road Gravel	\$537,667.50 excluding GRT
	Hays Plumbing & Heating	\$716,810.95 excluding GRT
	Star Paving	\$763,749.75 excluding GRT

STAFF RECOMMENDATION: Award Bid # 2020-06

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.

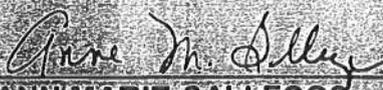

SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



VINCENT HOWELL
MAYOR

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

ESTHER GARDUNO MONTOYA,
CITY ATTORNEY
(ALL RESOLUTIONS, ORDINANCES
& CONTRACTS MUST BE
REVIEWED)

Approved on
3/18/2020 



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Madam Mayor Tonita Gurulé-Girón

October 1, 2019

Mr. Dan Moran
Finance and Administration Manager
New Mexico Department of Transportation
Aviation Division
3501 Access Rd C
Albuquerque, New Mexico 87106

**RE: LVS-19-01
Snow Removal Building Modifications**

Dear Mr. Moran:

We respectfully request an amendment be made to the above referenced project to increase the budget to accommodate the project bid amount and engineering costs associated with the project. The project was advertised and bids opened on September 12, 2019. Two bids were received with the apparent low bid in the amount of \$129,371.71, including NMGRT. The architectural services costs for the project are \$27,170.21 resulting in total costs associated on the project of \$156,541.92. The grant budget is 90,000.00 and was based on conceptual layout and cost estimates. At the original grant funding split, 90 percent NMDOT Aviation and 10% City of Las Vegas, the City requests that Grant LVS-19-01 be increased by \$59,888.00 to assist in completing the project. A summary of the original and amended budgeted costs are as follows:

Project Budget

Item	Original Budget	As Bid	Difference
Architectural Services (design, grants assist, construction administration)	\$12,494.00	\$27,120.21	
Construction	\$77,506.00	\$129,371.71	
Subtotal – Total Costs	\$90,000.00	\$156,541.92	\$66,542 *
NMDOT AD LVS-19-01 (90%)	\$81,000	\$140,888	\$59,888
City of Las Vegas (10%)	\$9,000	\$15,654 *	\$6,654

Thank you for your continued support and assistance with the Las Vegas Municipal Airport. If you have any questions, please contact me at (505) 454-1401 ext 1802 or Mr. Mike Provine, Molzen Corbin, at (505) 242-5700.

Sincerely,

Ann Marie Gallegos
Interim City Manager
City of Las Vegas

cc: Mr. Mike Provine, P.E., Molzen Corbin

David Ulibarri
Councilor Ward 1

Vince Howell
Councilor Ward 2

Barbara Perea-Casey
Councilor Ward 3

David G. Romero
Councilor Ward 4

Project No.	LVS-19-01
Contract No.	AVA1195
Vendor No.	0000054343

AMENDMENT NO. 1

THIS AMENDMENT made and entered into by and between the CITY OF LAS VEGAS, (hereinafter called the "Sponsor") and the State of New Mexico, acting through the State Department of Transportation, (hereinafter called the "Department").

RECITALS

WHEREAS, Section Twenty-One – Amendment: This agreement shall not be altered, modified or amended except by an instrument in writing by the Sponsor and documented acceptance by the Division.

NOW THEREFORE, the parties mutually agree as follows:

1. The funding under Section 1, of the original agreement is deleted and replaced with the following:

\$ 140,888

2. Section 1C, Exhibit B to the original agreement is deleted and replaced with the attached Exhibit B

3. The State contribution stated in Exhibit B is

\$ 140,888

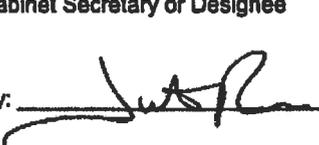
4. All terms, conditions, representations, and obligations set forth in the original Grant Agreement shall remain in full force and effect, except as expressly amended or modified by this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates shown below.

Recommended by AVIATION DIVISION

New Mexico Department of Transportation
Cabinet Secretary or Designee

By:  _____

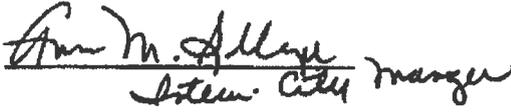
By:  _____

Date: 10/21/19

Date: 11/6/19

SPONSOR

Approved as to form and legal sufficiency

By:  _____
Interim City Manager

By:  _____
Assistant General Counsel

Date: 10/16/19

Date: 10-31-19

Regular

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 12/02/19

DEPT: Public Works

MEETING DATE: 11/18/19

ITEM/TOPIC: Award request for bid # 2020-02 Snow Removal Equipment (SRE) Building modification to New Image Construction.

ACTION REQUESTED OF COUNCIL: Approve/Disapprove of Award of SRE building modification.

BACKGROUND/RATIONALE: SRE Building Modification scope of work is to extend Building for parking of newly purchased Snow Removal Equipment when not in use.

Advertised: August 16, 2019 Las Vegas Optic, Albuquerque Journal and the City website.

Bid Opening: September 12, 2019.

Number of Bidders: 2

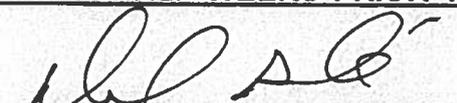
\$119,351.00 excluding GRT. New Image Construction

\$185,000.00 excluding GRT. Anissa Construction

STAFF RECOMMENDATION: Approve Award Request.

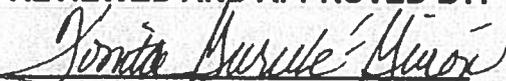
COMMITTEE RECOMMENDATION: N/A

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

TANA VEGA, INTERIM
FINANCE DIRECTOR
(PROCUREMENT)



ANN MARIE GALLEGOS,
INTERIM CITY MANAGER

PURCHASING AGENT
(FOR BID/RFP AWARD)

ESTHER GARDUNO MONTOYA,
CITY ATTORNEY
(ALL RESOLUTIONS, ORDINANCES
& CONTRACTS MUST BE
REVIEWED)

Approved on Consent
Agenda on 12/18/19 DS



NEW MEXICO
FINANCE AUTHORITY

April 25, 2019

Via First Class Mail and Email

City of Las Vegas
Attn: Robert Archuleta, Grants Writer/Administrator
1700 N. Grand Ave.
City of Las Vegas, NM 87701
Rjarchuleta@lasvegasnm.gov

Re: City of Las Vegas, NMFA Project No. PG-4947, Comprehensive/LEDA Plan

Dear Mr. Archuleta:

The Board of Directors of the NMFA met to review your LGPF grant application for a Comprehensive/LEDA Plan today. The County received conditional approval for a grant for up to \$50,000.

You will have **15 months** from **April 25, 2019** to complete the Comprehensive/LEDA Plan, obtain approval from NMEDD, and close on the grant. The following conditions and deadlines must be satisfied prior to closing and funding this grant:

1. Submission of professional services agreement to NMFA within 5 months: **September 25, 2019**
2. Submission of the Comprehensive/LEDA Plan to NMEDD within 12 months: **April 25, 2020**
3. Final approval from NMEDD, and be ready to close within 15 months: **July 25, 2020**
4. All additional information requested by NMFA in order to close the grant.

You will submit the planning document to Tim Hagaman at New Mexico Economic Development Department for his review and approval. Once NMEDD approves the planning document we will start the closing process.

Feel free to contact me with questions at (505) 992-9658, or email at LGPF@nmfa.net.

Sincerely yours,

Mary L. Finney
Local Government Planning Fund Coordinator

Enclosure

cc: Tim Hagaman, (505) 862-2322, Tim.Hagaman@state.nm.us

City of Las Vegas, NM

Resolution No. 19-11

A RESOLUTION AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY (NMFA)

ADOPTING THE FY 2019 "SUBMISSION OF AN APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY TO UPDATE THE CITY OF LAS VEGAS' COMPREHENSIVE MASTER PLAN"

WHEREAS, the City of Las Vegas, is a duly organized Municipality and is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-6.4 through 6-21-31, NMSA 1978 ("Act"); and

WHEREAS, the NMFA is authorized pursuant to the Act, particularly Section 6-21-6.4 of the Act, to make grants from the local government planning fund (the "Fund") creation; administration; purposes, to develop such projects like long-term master plans; and

WHEREAS, pursuant to the Act, the NMFA has developed an application procedure whereby the Governing Body may submit an application ("Application") to the Finance Authority for planning grant financial assistance from the Fund; and

WHEREAS, the City of Las Vegas, desires to submit an Application for financial assistance from the Fund for a Planning Document, as defined in the Rules Governing the Local Government Planning Fund currently in effect to benefit the City of Las Vegas and its citizens; and

WHEREAS, the City of Las Vegas intends to submit the Application to the NMFA to develop a planning document to develop a long-range plan for the benefit of the Governmental Unit and its citizens; and

WHEREAS, the City of Las Vegas intends to plan, develop, and implement a Comprehensive Master Plan for the benefit of the City of Las Vegas and its citizens; and

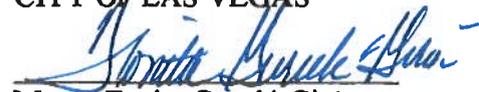
WHEREAS, the application prescribed by the NMFA to finance the Comprehensive Master Plan in whole or in part with financial assistance from the Fund has been completed, submitted to, and reviewed by the Governing Body; and

WHEREAS, Resolution No. 19-11 approving submission of the completed Application to the NMFA for its consideration and review, is a required part of the Application process.

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

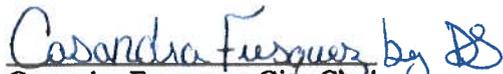
1. The City of Las Vegas has endorsed and approved the application for financial assistance request to the New Mexico Finance Authority, Local Government Planning Fund to support the development of a Comprehensive Master Plan.
2. The completed application is hereby approved and confirmed by the Governing Body of the City of Las Vegas and the grant application will be submitted to NMFA to seek financial assistance from the Local Government Planning Fund.
3. Resolution No. 19-11 shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 20th day of February _____, 2019
CITY OF LAS VEGAS



Mayor Tonita Gurulé-Girón
(Seal)

ATTEST:



Casandra Fresquez, City Clerk



Esther Garduño-Montoya, City Attorney
(for legal sufficiency only)

**Regular or Special
CITY COUNCIL MEETING AGENDA REQUEST**

DATE: February 7, 2019 **DEPT:** Community Development **MEETING DATE:** February 20, 2019

ITEM/TOPIC: Resolution adopting submission of a completed application for financial assistance and project approval to the New Mexico finance Authority (NMFA) to be approved by the governing body.

ACTION REQUESTED OF COUNCIL: Approval/Disapproval

The City of Las Vegas, the Governmental Unit (the "Governing Body") desires to submit an Application for financial assistance from the Local Government Planning Fund for a Planning Document, as defined in the Rules Governing the Local Government Planning Fund under the New Mexico Finance Authority Act 6-21-6.4 through 6-21-31 NMSA, 1978 currently in effect to benefit the Governmental Unit and its citizens to seek funding for a Comprehensive Master plan.

BACKGROUND/RATIONALE: The City of Las Vegas on behalf of the Governing Body intends to submit the application to the New Mexico Finance Authority to develop a planning document to develop a long-range plan for the benefit of the Governmental Unit and its citizens for a Comprehensive Master Plan.

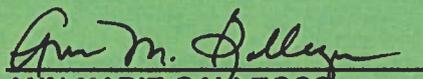
1. **STAFF RECOMMENDATION:** Approve the grant application to be submitted to NMFA to seek financial assistance from the Local Government Planning Fund in the amount of \$50,000.00 dollars.

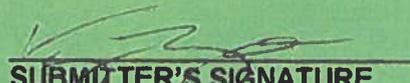
COMMITTEE RECOMMENDATION: N/A

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.

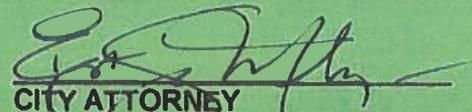
REVIEWED AND APPROVED BY:


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)

Regular
CITY COUNCIL MEETING AGENDA REQUEST

DATE: 6/12/2020

DEPT: Human Resource

MEETING DATE: 6/17/2020

ITEM/TOPIC: Request to Publish Ordinance 20-04.

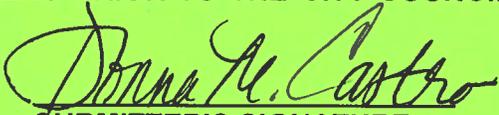
ACTION REQUESTED OF COUNCIL: Approval/Disapproval to publish Ordinance 20-04 to amend the Code of the City of Las Vegas, Chapter 66, Personnel Rules, Section 52, entitled Vacation Leave.

BACKGROUND/RATIONALE: To review and consider changes to City's vacation policy so that policy reflects current practice.

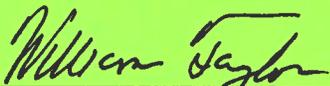
STAFF RECOMMENDATION: Approval

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.


SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:



WILLIAM TAYLOR, CITY MANAGER

SCOTT AARON, CITY ATTORNEY
(ALL CONTRACTS, ORDINANCES
AND RESOLUTIONS MUST BE
REVIEWED)

MARY ROMERO, FINANCE DIRECTOR
(PROCUREMENT)

CITY OF LAS VEGAS, NEW MEXICO
Ordinance No. 20-04

AN ORDINANCE TO AMEND the Code of the City of Las Vegas, Chapter 66 Section 52 thereof, entitled "Vacation Leave". This Ordinance is enacted pursuant to Section 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. Chapter 66 Section 52, entitled "Vacation Leave", of the Code of the City of Las Vegas is hereby amended to read as follows:

A. Vacation leave shall be granted to regular employees according to the following guidelines:

(1) Regular full-time-status employees with one to 60 months of service (1 to 5 years) shall accumulate 8 hours of vacation leave per month.

(2) Regular full-time-status employees with 61 to 180 months service (5 to 15 years) shall accumulate 10 hours of vacation leave per month.

(3) Regular full-time-status employees with 181 months and over of service (15 years or more) shall accumulate 12 hours of vacation leave per month.

B. Department directors shall accumulate 12 hours of vacation leave per month equal to 18 working days per year regardless of seniority. Department directors shall be allowed to accumulate up to 312 hours of vacation leave equal to 39 regular working days. At no time will a Department Director accumulate more than 312 hours of vacation leave.

C. Scheduling. Vacation leave shall be taken in increments but the employee may only take vacation leave if it has been accumulated. The Department Director or designee thereof shall schedule, at their sole discretion, vacation leave for all regular-status employees upon the request of the employee one each calendar year, if the employee has accumulated 40 hours or more of vacation leave. No employee shall be granted more than 20 days or 160 hours of vacation leave within a 12 month period. Employees planning to utilize vacation leave shall give written notice of said leave, within a reasonable period of time, but no less than 5 working days prior to taking vacation.

D. Pay for unused vacation leave upon termination.

(1) Regular full-time status employees. Any vacation leave accumulated but not taken at the time of employment termination shall be paid in full, not to exceed 240 hours.

(2) Department Directors. Any vacation leave accumulated but not taken at the time of employment termination shall be paid in full, not to exceed 312 hours.

(3) The separation form must be signed by all appropriate parties prior to the payment of unused vacation leave.

E. Regular-status employees shall be allowed to accumulate up to 240 hours of vacation leave, equal to 30 regular working days. At no time shall the employee accumulate more than 240 hours of vacation leave.

F. Vacation leave is not accumulated for periods during the time an employee does not work due to suspension without pay, administrative leave without pay, or any other such leave identified to be without pay.

G. Donation of vacation leave time. Donation of vacation leave is prohibited.

H. Vacation leave upon retirement. An employee who has accumulated vacation leave at the time of their retirement shall have their leave paid out in a lump sum, in accordance with Section 66-52(D), by the City based upon availability of funds. This section applies retroactively to employees retiring after July 1, 2010.

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this _____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney