

MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD ON WEDNESDAY, MAY 15, 2019 AT 6:00 P.M. IN THE CITY OF LAS VEGAS COUNCIL CHAMBERS

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.-*Absent (Councilor Ulibarri, Jr. joined the meeting in session via phone call at 7:45 p.m.)*

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Danielle Sena, Recorder
Esther Garduno Montoya, City Attorney
David T. Bibb III, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Howell asked for a moment of silence for prayers in guidance to make good decisions as the Governing Body and to keep in our minds, the community members who had passed away this month.

APPROVAL OF AGENDA

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes of April 10th, Work Session, April 17th Regular and April 26th, 2019 Special, with no errors. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

MAYOR’S APPOINTMENTS/REPORTS

None at this time.

MAYOR’S RECOGNITIONS/PROCLAMATIONS

Deputy Clerk Danielle Sena read a Certificate of Recognition to West Las Vegas High School Dons Varsity Coed Cheer Team for placing first at the 2019 State Competition in the 3-A Division for their third consecutive State Championship win, presented to:

Kryten Cavazos, Amelia Madrid, Preciosa Chavez, Jennifer Chavez, Kennedy Branchal, Christiana Garcia, Olivia Gallegos, Cilia Lovato, Andrea Ulibarri, Allena Gomez, Kandee Gonzales, Nathean Urioste, Andrea Gomez, Aron Parra, Julianne Lucero, Angelina Garcia, Tiffiny Montano, Alicia Urioste, Marissa Hernandez, Hailey Marquez, Aysa Vigil, Amber Trujillo, Elizabeth Rodriguez, Jeslyn Padilla, Josephine Morales, Luna Gonzales. Head Coach: Isabel Cavazos, Asst. Coaches: Candice Maestas and Lawrence Valdez.

PUBLIC INPUT

Pat Romero made a comment regarding his opposition of spot zoning, had property in the area of the proposed zone change (7th & 8th Streets) and did not want change to the residential zone.

Dr. Mary Schipper spoke regarding the reinforcement of the protest petition sent to the Governing Body against the commercial rezoning in the 21 acre parcel

between 7th & 8th Streets and was against spot zoning. She asked those who were against the zone change to stand and be seen.

Jeri Braccialarghe spoke against the proposed zone change (7th & 8th Streets.) She read a letter on behalf of San Miguel County Commissioner, Max Trujillo in support of the proposed property to remain residential.

City Attorney Esther Garduno Montoya advised that since they would be conducting a public hearing, could they refrain having everyone in Public Input to wait until the actual Public Hearing.

Mayor Gurulé-Girón advised that under the rules of Public Hearing, that everyone had their right to their public hearing input, she was not going to refrain at this point in time. She stated if they wanted to speak twice during the actual public input process and also during the public input hearing, that was their decision. Mayor Gurulé-Girón stated that also during public input hearing they could have one spokesperson for all who would speak and it was up to them but they could not deny the public input participation, once signed up.

Douglas Hughes spoke in regards to the City of Las Vegas to adopt a policy not to allow retail stores the use of disposable plastic bags which were ending up in the waterways and our planet and spoke of the importance of saving humankind and the planet.

Carol Bess, volunteer with Gallinas River Collaborative advised that the Gallinas River Park and the creation of Green Space was being revitalized and that it was a good reflection of the community. She urged the City to financially support this project and to commit to the care of the park.

AWC Board President Marshall Poole with Animal Welfare Coalition gave a detailed report for the month of April 2019.

Diana Springer spoke in support of the Tierra Encantada having their Farmers Market at the Hot Springs Boulevard location that would benefit the West side and stated that they offer 20 hour community service education in gardening with NMSU Instructors at the West side Farmers Market.

Georgina Ortega spoke briefly about the food desert on the West side, the community not having access to fresh food and was in support of the Hot Springs Boulevard zone change.

Miguel Angel spoke in favor of the rezoning of the property on Hot Springs Boulevard in order to accommodate the Tierra Encantada Farmers Market and that the Council should be supportive of the zone change.

Patricia Minor stated she was pleased that both farmers markets were making profit and was in support of the proposed zone change on the Hot Springs location and stated that the zone change should be permanent.

Andy Trujillo spoke briefly regarding being against the zone change in the area of 7th and 8th Streets and felt that the neighborhood would diminish with residents leaving if the zone was changed to a C-3.

Bill Rogers spoke in regards to the opposition of the zone change on the 21 acres on 7th and 8th, he stated that the developer did not have a development plan and thought that the surrounding residents had a right to know what the plan entailed.

Dr. Jim Alarid spoke regarding the area of the zone change (7th & 8th Sts.) and some of the issues that would take place with the change. He stated he had nothing against the bank although he would like the bank to withdraw their proposal and thought discussion should have taken place between residents and the Community 1st Bank in the beginning of this process and asked Council to deny the proposed zone change.

Joe Cooney spoke regarding his support of both farmers markets and thought the location for the Tierra Encantada was a good location due to being in a commercial area. Mr. Cooney also stated that he had previously spoken in regards to opposing the zone change of the 21 acre property, along with his fellow neighbors due to there not being any commercial development there. He also mentioned two petitions that had been submitted opposing the zone change.

Wid Slick gave a detailed outline on the role the New Mexico True advertising had taken in the annual increase of Lodgers Tax collections, reporting it had a 60% increase that totaled \$136,000.00 and asked the Governing Body to vote to continue NM True Advertising.

Emilio Aragon advised that he had donated a trash receptacle to Gallinas River Park although asked if the City could donate at least four more for the park area. He supported the comment made earlier regarding the control of the use of plastic and praised Ms. Lindsey and Ms. Sammeth for their work at the West side farmers market and hoped the Governing Body would support in the zoning.

PRESENTATIONS

Presentation by Lori Ann Encinias, Gina Harris and Zachary McNellis of the winners of the Carnegie Library 3rd Annual Book Reading Contest winner awards as follows: Miles Kavanaugh, David Tenorio, Deirdra Tenorio, Isaac Benavidez, Brayden Chavez, Diego Tenorio, Joanna Lucero, Ariana Lucero, Pauline Abeyta and Marissa Jaramillo.

Presentation by Chief of Police David T. Bibb III on certificates of Appreciation honoring those who took part in giving full honors at the funeral of Judge Matt Sandoval, a pillar of the community who recently passed away, those presented were as follows: Fire Chief Billy Montoya-LV Fire Dept., Deputy Eric Esquibel, SM Sheriff's Dept., Sheriff Amos Espinoza, Mora County Sheriff's Dept., Sergeant Theo Chavez-NM Highlands University Police Dept., Sergeant Mark Allsfield NM State Police District 2 and Officer Richard Johnson of the Santa Fe Police Dept.

Mayor Gurulé-Girón thanked everyone who took part in honoring the Sandoval family and thanked them for their service, dedication and commitment to the community.

Presentation by Utilities Director Maria Gilvarry on certificates of appreciation to Water and Wastewater division for their exemplary work during the recent power outage at the Wastewater Treatment in February 2019 and their part in providing quality water and keeping our community safe. Those presented were as follows: Frank Baca, Dominic Mares, Jesus Hathaway, Michael Helm, Isaac Trujillo, Angelo Alirez, Archie Allemand, Travis Hern, Robert Espinoza, David Palomino, Bernadette Gold and Cody Stumberg. Team Leaders: Marvin Martinez and Keith Hill.

Utilities Director Maria Gilvarry gave a detailed presentation regarding the City of Las Vegas Peak Shaving Plant that is no longer used and the decommission of the plant.

Questions were asked regarding the location and status of the life of the propane.

CITY MANAGER'S REPORT

Interim City Manager Gallegos gave a detailed report on updates on current events and projects as follows:

- Budget Hearing (Preliminary Budget 2020-5/22/19 @ 1:30 p.m.-City Council Chambers)
- Summer Youth Program-50 applications received
- NM Game & Fish Dept-Youth Safety Training ATVs June 28-30 @ Rodriguez Park
- Employee Safety Training Classes-5/22/19 & /5/30/19
- Abe Montoya Rec. Ctr. Summer Youth Program
- NM Game & Fish-Family Outdoor Day-5/25/19 @ Harris Pond
- 4 BMW Motorcycles donated to LVPD by Rio Rancho Police Dept.
- ICIP Training on 5/17/19
- Liquor License Renewals-Deadline: 6/30/19
- Solid Waste Amnesty Day-5/18/19
- Preparation Of RFP (Gasoline Fleet Repair)
- Utility Billing Process (Business Item #1 Reg. Mtg. 5/22/19)
- Planning: 4th of July Fiestas & Rough Rider Motorcycle Rally
- Little League Opening took place: 4/13/19
- Las Vegas,NM to host: Baseball District 6/15-6/21/19. NM State Championship Tournament 7/19-7/26/19
- Installation: Donated Batting Cage @ Rodriguez Park
- Heritage Week-1st week of August

FINANCE REPORT

Interim Finance Director Tana Vega presented the Finance Report for the month ending April 30, 2019 (83.33% of year lapsed) reporting General Fund revenue at 86% and expenditures at 68%. Ms. Vega advised that the Enterprise Funds revenue was at 85% and reported expenditures at 74%. Interim Finance Director Vega reported the Recreation Department revenue to be at 73% and expenditures were at 63%.

Brief discussion and questions were asked regarding GRT increases and lower costs for licensing fees.

CONSENT AGENDA

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Recorder Danielle Sena read the Consent Agenda into the record as follows:

1. Approval of Crack Sealing Project on Mills Avenue from Grand Avenue to Hot Springs Boulevard. Total amount \$61,844.37.
2. Approval to award request for bid #2019-10 for the solid waste tipping fees for municipal solid waste per ton to GGH Wagon Mound, LLC, as the primary landfill and Waste Management of NM. as the secondary landfill.
3. Approval of Resolution 19-20 of the Governing Body authorizing the application submission of a New Mexico Community Development Block Grant Program to the Department of Finance and Administration and authorizing the Mayor of the City of Las Vegas as the authorized Chief Executive Officer and Authorized Representative to participate in the Community Development Block Grant (CDBG) program.

Resolution 19-20 was presented as follows:

RESOLUTION NO. 19-20

A RESOLUTION OF THE COUNCIL OF CITY OF LAS VEGAS, NEW MEXICO, AUTHORIZING THE SUBMISSION OF A NEW MEXICO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION/LOCAL GOVERNMENT DIVISION; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY OF LAS VEGAS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY OF LAS VEGAS PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

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

WHEREAS, the City has held (4) four public hearings for public input and comment on March 27, 2018 at 10:00 a.m. and 5:00 p.m. and March 28, 2018 at 10:00 a.m. and 5:00 p.m. prior to the 2019 application process and the public hearings have been authorized by DFA to be used in the 2019 application; and

WHEREAS, the Council finds that there is a significant need to undertake the 2019 CDBG Street and Drainage Improvements – Hot Springs Blvd. from Mora Street to Bernalillo Street to provide adequate services to the community; and

SWORN TO AND SUBSCRIBED
Of _____, 20

Place Seal Here Before me on this day

Notary Public

My commission expires

Mayor Gurulé-Girón called for a 5 minute recess.

Meeting was reconvened (7:45p.m.), Mayor Gurulé-Girón announced that Councilor Ulibarri, Jr. was now participating in the meeting via telephonic conference.

BUSINESS ITEMS

1. Approval/Disapproval of Resolution No. 19-25 assuring available funds for NMDOT call for projects. Total project cost \$4,122,505.42, 5% City Match \$206,125.27.

Interim Public Works Director Daniel Gurule advised that as per NMDOT submittal criteria for call for projects, it is required that a resolution of support from our Local Governing Body be attached to application. In complying with this criteria staff is requesting that this resolution be approved for the plan, design, construction, construction management, reconstruction, pavement rehabilitation, drainage improvements and miscellaneous construction to Legion Drive from Grand Avenue to 7th Street. National Avenue from 12th Street down Bridge Street, around Plaza Park, to include Camino De Las Escuelas, South Gonzales and South Pacific Street to end at Moreno Street and Hot Springs Blvd. and North Gonzales to end at Valencia St.

Questions and brief discussion took place regarding the locations of repairs. Councilor Casey called attention to several type errors on the draft Resolution 19-25 and asked that they be corrected.

Interim Public Works Director Gurulé advised that the corrections would be made to the resolution.

Councilor Casey made a motion to approve Resolution 19-25 assuring available funds for NMDOT call for projects. Total project cost \$4,122,505.42, 5% City Match \$206,125.27. Councilor Howell seconded the motion.

Resolution 19-25 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 19-25**

A resolution declaring the eligibility and intent of the City of Las Vegas to submit an application to the New Mexico Department of Transportation (NMDOT) for Fiscal Year 2019/2020 Local Government Transportation Project Fund.

WHEREAS; the City of Las Vegas has the legal authority to apply for, receive and administer state funds; and

WHEREAS; the City of Las Vegas is submitting an application for Fiscal Year 2019/2020. New Mexico funds in the amount of \$4,122,505.42 as set forth by State legislation; and

WHEREAS; the Legion Drive Rehabilitation project (from Grand Avenue to 7th Street) and the National Avenue/Bridge Street Rehabilitation project (National Avenue from 12th Street down Bridge Street, around Plaza Park, to include Camino De Las Escuelas, South Gonzales and South Pacific Street to end at Moreno Street, Hot Springs Blvd. and North Gonzales to end at Valencia Street) named in the Local Government Transportation Project Fund Application is an eligible project under New Mexico Local Government Transportation Project Fund requirements; and

WHEREAS; the City of Las Vegas acknowledges availability of the required local match of 5% for the State of New Mexico; and

WHEREAS; the City of Las Vegas agrees to maintain the project constructed with Local Government Transportation Project Fund for the usable life of the project;

NOW THEREFORE, BE IT RESOLVED; by the governing body of the City of Las Vegas, that:

1. The City of Las Vegas authorizes Mayor or City Manager to submit an application for Fiscal Year 2019/2020 New Mexico Local Government Transportation Project Fund funds in the amount \$4,122,505.42 from the New Mexico Department of Transportation (NMDOT) on behalf of the City of Las Vegas.
2. That the City of Las Vegas assures the NMDOT that if Local Government Transportation Project Fund is awarded, sufficient funding for the local match is available. That the City of Las Vegas assures the NMDOT that if awarded Local Government Transportation Project Fund, sufficient funding for the operation and maintenance of the Local Government Transportation Fund project will be available for the life of the project.
3. That Mayor or City Manager is authorized to enter into a Cooperative Project Agreement with the NMDOT for the Local Government Transportation Project Fund project using these funds as set forth by state legislation on behalf of the citizens of the City of Las Vegas. Mayor or City Manager is also authorized to submit additional information as may be required and act as the official representative of the City of Las Vegas in this and subsequent related activities.

4. That the City of Las Vegas assures that the City of Las Vegas is willing and able to administer all activities with the proposed project.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF MAY, 2019.

CITY OF LAS VEGAS

ATTEST:

Mayor

Casandra Fresquez, City Clerk

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

2. Approval/Disapproval of Resolution No. 19-16 Abatement of nuisances located at 1221 San Francisco St.

Interim Community Development Director Virginia Marrujo advised that the property noted above has several nuisances on the property. The property owner is deceased and the property has not been cleaned or maintained. Request to grant abatement.

Questions were asked and lengthy discussion took place regarding the costs of abatement, who would pay for the abatement, rodent issues and the timeline of the abatement process.

Councilor Casey made a motion to approve Resolution 19-16 Abatement of nuisances located at 1221 San Francisco St. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion.

Resolution 19-16 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 19-16**

A RESOLUTION DECLARING 1221 San Francisco St. WHICH IS OWNED AND CONTROLLED BY Adelina & Alice Crespín C/O Raymond Sanchez TO BE

DANGEROUS, COVERED WITH RUINS, RUBBISH, WRECKAGE AND DEBRIS AND A NUISANCE REQUIRING ABATEMENT

WHEREAS, pursuant to Section 3-18-5, NMSA, 1978, whenever any building or structure is ruined, or any premise is covered with ruins, rubbish wreckage or debris, the governing body of a municipality may by resolution find that the ruined, damaged and dilapidated building, structure or premises is a menace to the public comfort, health, peace or safety and require the removal from the municipality the building, structure, ruins, rubbish, wreckage or debris; and

WHEREAS, the Las Vegas City Council has received evidence from the Police Department/ Enforcement Service Specialist as to the condition of a parcel of land described herein, which are owned, occupied or controlled by Adelina & Alice Crespin whose address is 1221 San Francisco St. according to the records at the San Miguel County Assessor's Office and described in said records as Lopez Sulzbacher and Rosenwald add Lot 2-5 Block 12.

WHEREAS, the property is a public nuisance and the premises are a menace to the public comfort, health, peace or safety of the community and is in violation of City of Las Vegas Ordinance 301-6 Sections, Littering(A), Unsanitary Premises(B), Hazardous Premises(C) and Accumulation of Solid Waste(D). Items on the premises and visible from the public right of way in violations of City ordinances include but are not limited to excessive papers,weeds, trees, dead branches, wood, pallets, boards, vehicle parts, cinder blocks, chicken wire and other debris.

WHEREAS, the City has attempted to notify the legal property owner, Adelina & Alice Crespin via certified mail, and postings of the violations requiring abatement.

WHEREAS, proper notices personally served upon the property included: a Red Tag Notice on 1/30/2019; a Notice of Pending Abatement on March 21st,2019 In the face of these notices, the owner has allowed the nuisance to remain and has done no work within 30 days to correct the violations.

NOW, THEREFORE, the City Council, the governing body of the City of Las Vegas, New Mexico does hereby resolve:

A. That the above described parcel of land is a nuisance pursuant to Section 3-18-5, NMSA, 1978, is a menace to the public comfort, health, peace or safety and requires abatement as follows: All Wreckage, Rubbish and Debris creating a nuisance to the surrounding neighbors since 7/25/2018 (the date the above inventory was taken) must be removed and properly disposed of and the premises must be left in a clean, level and safe condition.

B. The City shall serve a copy of this resolution on the owner, occupant or agent, including Adelina & Alice Crespin in charge of the premises as shown by the records of the County Clerk. If the owner occupant or agent in charge of the building, structure or premises

cannot be served within the municipality, a copy of the resolution shall be posted on the building, structure or premises and a copy of the resolution shall be published one time.

C. Thereafter, and within ten (10) days after receipt of a copy of this resolution or of the posting and publishing of a copy of the resolution, the owner occupant or agent, in charge of the building, structure or premises shall commence removing the ruins, rubbish, wreckage and debris or file a written objection with the Municipal Clerk asking for a hearing before the governing body of the City of Las Vegas. .

D. That if a written objection is filed, the Governing Body shall follow the provisions as set forth of 3-18-5 D. NMSA 1978; fix a date for a hearing in its resolution and objection; consider all evidence for and against the removal resolution at the hearing; and determine if its resolution should be enforced or rescinded.

E. Any person aggrieved by the determination of the governing body may appeal to the district court by: giving notice of appeal to the governing body within 5 days after the determination made by the governing body; filing a petition in the district court within twenty days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

F. If the owner occupant or agent in charge of the building, structure or premises fails to commence removing the ruins, rubbish wreckage and debris as provided under NMSA 3-18-5 F, the municipality may remove ruins, rubbish wreckage and debris at the cost and expense of the owner. The reasonable cost of removal shall constitute a lien against the building, structure, ruins, rubbish wreckage and debris so removed and against the lots or parcels of land from which it was removed. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.

F. The municipality may pay for the costs of removal of any condemned building, structure, wreckage, rubbish or debris by granting to the person removing such materials, the legal title to all salvageable materials in lieu of all other compensation.

H. Any person or firm removing any condemned building, structure, wreckage, rubbish or debris shall leave the premises from which the material has been removed in a clean, level and safe condition, suitable for further occupancy or construction and with all excavations filled.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____ 2019

Tonita Gurule-Giron, Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED BY:

Esther Garduno Montoya, City Attorney

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried. Councilor Romero stated that there would be two hot items coming up on the agenda and asked for clarification regarding if there was a policy or ordinance that allowed for the call-in.

Mayor Gurulé-Girón advised that it was a state statute policy that she had cited to Council in an actual memorandum during the re-organizational meeting, where all the statutes were cited.

3. Approval/Disapproval of Resolution No. 19-24 MOU for the New Mexico True FY20 grant.

Interim Community Development Director Marrujo advised that the City of Las Vegas officials and staff, per MOU, will provide the funding match, creative assets, design work and submission of all creative work due as scheduled.

Councilor Casey called attention to several type errors on the draft Resolution 19-24 and asked that they be corrected.

Interim Community Development Director Marrujo advised that the corrections would be made to the resolution.

Councilor Howell made a motion to approve Resolution No. 19-24 MOU for the New Mexico FY20 grant. Councilor Romero and Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

4. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance #19-02, amendment to the Official Zoning Map for rezone of a property located at 2513 Hot Springs Blvd., Las Vegas, New Mexico.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Mayor Gurulé-Girón stated “before moving forward I would like to include any public input statements made earlier during the actual public input process to be included into the record proper for both public hearings but I know at this point in time you would have to swear in every single individual who wants their statement included in the record proper.”

City Attorney Esther Garduno asked whoever wished to speak on the issue, stand and be sworn in. Maria Perea and Virginia Marrujo were sworn in.

Planning and Zoning Coordinator Maria Perea advised that the City of Las Vegas, the owner of Lot 4, 5, 6, 7 & 8, Block 2, Miguel Romero Y Baca Addition and known as 2513 Hot Springs Blvd., Las Vegas, New Mexico appeared before the Las Vegas Planning & Zoning Commission on March 25, 2019. The city of Las Vegas is requesting that said property be rezoned from the present R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone) with the intention of accommodating a Farmer’s Market in the parking lot of above property for the Old Town residents.

Councilor Casey asked if the farmers market was using a special events permit to function with.

Interim Community Development Director Virginia Marrujo advised they were using the permit up to the time of realizing it should be approached in a different way and stated that a special event permit was required for that event.

Councilor Casey asked if they were functioning under a special permit, why was the zone change required and asked what the result was regarding the appeal done by the former City Attorney.

Ms. Marrujo advised that it had originally changed to a C-3 and they were looking to change to a C-1, to be geared more as community based and stated that the appeal resulted in a reverse, back to an R-2.

Councilor Casey asked if the farmers market provided their own insurance or were they covered under the City's insurance.

Ms. Marrujo advised that they provided their own insurance as well as their site map.

Councilor Romero asked pertaining to the transfer, if the building once belonged to the Housing Department.

Planning & Zoning Coordinator Perea advised, that to her understanding, the Housing Department (Lawrence Quintana) at that time had purchased the property for a Veterans Transitional although was denied by HUD and that the Finance Department could explain as to how the City purchased the property.

Councilor Romero stated that he had researched the minutes and did not find where the Housing Authority approved the transfer to the City of Las Vegas.

Interim City Manager Gallegos advised that she believed that Urban Housing came in and mandated the City to purchase the building, so it currently belonged to the City of Las Vegas and not the Housing and that it was part of the agreement.

Councilor Romero stated that the transfer did not take place until September 20th, which Mayor Gurulé-Girón signed off on.

Interim Finance Director Tana Vega advised Councilor Romero, that took place in 2013, after a special review report was prepared on behalf of the City and HUD

made the determination and at that time the General fund paid \$150,000.00 to the Housing Department for that building and the property.

Councilor Romero asked Ms.Vega if we had those records.

Ms. Vega advised that they did have the records.

Councilor Romero asked City Attorney Garduno Montoya to review Exhibit 4 on the Quitclaim Deed, that the Mayor had signed off on and had a concern regarding the document not having the signature of a Notary Public

City Attorney Garduno Montoya stated that she saw the notary stamp but did not see the notary signature and said it looked like there was something written under the word "notary public".

Planning & Zoning Coordinator Perea stated that she would have to look at the original and thought that they did sign it although was not sure.

Mayor Gurulé-Girón stated that usually verifications and signature pages were separate and those were added at the end.

Councilor Romero stated that by looking at the stamp, it looked like the individual that was in charge of Housing at the time was the one that signed off on that and he did not know if that was a conflict.

Mayor Gurulé-Girón stated "no, as long as it's within the.."

Planning & Zoning Coordinator Maria Perea asked if Lorraine Ortiz was in charge of Housing in 2017.

Interim Finance Director Tana Vega stated, "No".

Mayor Gurulé-Girón stated, "No, no she wasn't".

Ms. Perea stated, "actually, she worked with the Legal Department, didn't she"?

Mayor Gurulé-Girón stated, "Yea she did, actually she did, under Dave Romero."

City Attorney Garduno Montoya advised Councilor Romero she could pull the actual document and have an answer for him.

Mayor Gurulé-Girón stated “ it is legally bound, I have seen it when they brought it to us in 2013”.

Councilor Romero advised he did not have anything against the Farmers Market although his issues were with the transfers from the Housing to the City, and that it was public that the City had that issue with Housing, that he just wanted to make sure that the transfer was legal and that we had the documentation. He stated that the other issue he had was that he requested the minutes of the meeting from Planning and Zoning and did not receive all of them.

Planning & Zoning Coordinator Perea advised that she had been overwhelmed by having to carry the whole Planning and Zoning Department on her own and could not get the minutes done in a timely manner.

Discussion took place regarding the use of the building on Hot Springs Boulevard as an event with the use of a special events permit.

Councilor Romero asked why that property was singled out for the use of the Farmers Market.

Mayor Gurulé-Girón advised that a critical aspect of the farmers market being on that property, was because it qualified as a “Food Desert”, also opening up the door for federal funding, to be able to repair and expand that area. She stated that It provided a service to the people of the West side to purchase good healthy organic food and she did not think it was a problem and did not think there was a problem with the anti-donation clause within that specific area.

Councilor Romero asked City Attorney Garduno Montoya if she felt that the anti-donation clause had been violated, being that the City maintained the property and provided bathrooms as well.

City Attorney Garduno Montoya stated that she felt that the anti-donation clause had not been violated due to them using a Special Event permit and felt they were providing a service to the community.

Interim Community Development Director Marrujo advised that they were not donating or giving them the property, it was just the use of the property.

Councilor Romero stated “ let me ask you this, since you’re under oath, both of you, do you feel that you have been asked by the Mayor to go above and beyond to get this zone change done?”

Ms. Marrujo stated “ I’m not going to answer that because that’s something that we should discuss in... that’s a personal opinion...well, actually I will answer that, no it’s not because of that, I took this job to help our community in any way possible that we can, I’ve always been a fan of the Farmers Market, I’ve always been a fan of any other organization, non-profit, anything like that, I fight above and beyond for every situation that comes across my desk, it has no personal issues, I might not like some people, I mean I had issues with Wid at first but we worked through it, we worked through whatever issue it is, I don't use any of my personal opinions, my personal feelings or my personal relationships which I don't have any to be honest with you, I don't have any political relationships within here.”

Mayor Gurulé-Giron stated, “so essentially you operate unilaterally, treating everyone fairly and equitably.”

Ms. Marrujo agreed with the Mayor’s statement.

Councilor Ulibarri, Jr. thanked Cordia Sammeth and Diane Lindsey for their work on the West Side farmers market and thought it was a good location for the market.

Councilor Casey stated that in reviewing some of the paperwork, the City’s 5-year plan did specify that rezoning for the good of the people was allowed and recommended and in her opinion, zoning from an R-2 to a neighborhood commercial zone was good for the people and would provide them a service that was not available to them otherwise. She stated that in terms of using the building, it was a dangerous building, it should not be used at all and that the City did provide restrooms. She added that until the City had money to fix that building, it should be boarded up and not used for anything and did not want anyone getting hurt but in terms of just rezoning to have a neighborhood commercial zone was a good idea.

Brief discussion took place regarding parking issues and rodent issues in the parking area.

Councilor Howell stated that fresh food was very important for the community's health and welfare and was an important resource needed.

Councilor Romero had questions regarding the insurance and Matt Martinez being listed on the insurance.

Ms. Marrujo stated that Mr. Martinez asked that he be additionally insured and they would address that.

Romero stated "I'm gonna go on Tana and Ms. Gallegos, that they're going to assure me that they have been transferred over legally under oath, everything from the Housing to the City."

Interim Finance Director Tana Vega and Interim City Manager Ann Marie Gallegos both replied "Yes Sir".

Mayor Gurulé-Girón stated " they actually brought it to the Council and they had provided us a copy with actual, all certifications and verifications, and I did see it myself as well."

Cordia Sammeth spoke briefly of what their mission was and stated for the record that they were volunteering their time to run the market and their concern was bringing good food to people, helping the farmers, had support from the community and hoped that the Governing Body would support the zone change.

Brief discussion took place regarding the meaning of a "food desert".

Delfinio Velasquez, Anton Chico Landgrant spoke briefly regarding his support of the farmers markets and the benefits to the community with reasonable prices and the community walk-ins.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Councilor Casey made a motion to approve to adopt Ordinance #19-02, amendment to the Official Zoning Map for rezone of a property located at 2513 Hot Springs Blvd., Las Vegas, New Mexico. Councilor Howell and Councilor Ulibarri, Jr. seconded the motion.

Resolution 19-02 was presented as follows:

**CITY OF LAS VEGAS, CITY COUNCIL
ORDINANCE NO. 19-02**

AN ORDINANCE AMENDING THE CITY OF LAS VEGAS OFFICIAL ZONING MAP FROM AN R-2 (MULTI-FAMILY RESIDENTIAL ZONE) TO A C-1 (NEIGHBORHOOD COMMERCIAL ZONE) FOR LOTS 4, 5, 6, 7 AND 8, BLOCK 2, OF THE MIGUEL ROMERO Y BACA ADDITION, ALSO KNOWN AS 2513 HOT SPRINGS BLVD., LAS VEGAS, NEW MEXICO AS REQUESTED BY THE CITY OF LAS VEGAS, (APPLICANT/OWNER).

WHEREAS, The City of Las Vegas, has applied for an amendment to the official zoning map for property located at 2513 Hot Springs Blvd., Las Vegas, New Mexico, for accommodating a Farmers Market, pursuant to the provisions of the Las Vegas City Zoning Code §450, and;

WHEREAS, on March 25, 2019, the City of Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive testimony concerning the amendment of the Official Zoning Map to rezone the property located at 2513 Hot Springs Blvd. from an R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone), and on March 25, 2019 adopted a motion recommending approval of the proposed amendment.

WHEREAS, on May __, 2019, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning and Zoning Commission.

NOW, THEREFORE BE IT ORDAINED that the Governing Body of the City of Las Vegas, New Mexico, hereby **GRANTS** the amendment to the Official Zoning Map by rezoning and changing the district classification of certain property located at 2513 Hot Springs Blvd. from an R-2 (Multi-Family Residential Zone) to a C-1 (Neighborhood Commercial Zone), and more fully described as follows:

Lots 4, 5, 6, 7 and 8, Block 2, of the Miguel Romero Y Baca Addition

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

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

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2019.

ATTEST:

Casandra Fresquez, City Clerk

Tonita Gurulé-Girón, Mayor

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

Esther Garduno-Montoya, City Attorney

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

5. Conduct a Public Hearing and Approval/Disapproval to adopt Ordinance #19-03, amendment to the Official Zoning Map for a 21.277 acre+/- parcel located north of Ridge Runner Road between 7th Street and 8th Street, Las Vegas, New Mexico.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

City Attorney Esther Garduno asked city staff, applicants or anyone who wanted to speak in support or in opposition of, to raise their right hand and she stated “do you solemnly affirm that the testimony you shall give or have given, to be the truth, the whole truth and nothing but the truth.” Maria Perea, Virginia Marrujo, Eugenio Mathis and Mike Fields were sworn in.

Mayor Gurulé-Girón asked City Attorney Garduno Montoya for clarification regarding that they would include the public input statements into the record proper.

City Attorney Garduno Montoya stated “that’s correct, we’re attempting to clarify that the statements they gave were under oath.”

Planning and Zoning Coordinator Maria Perea advised that Community 1st Bank-Las Vegas, the owner of a 21.277 acre +/- parcel located north of Ridge Runner Road between 7th Street and 8th Street, Las Vegas, New Mexico, is requesting that the property be rezoned from the present R-1 (Single Family Residential Zone)/ R-R (Restricted Residential Zone) to a C-3 (General Commercial Zone) with the intention of selling the property for commercial development. She added that this was heard before Planning & Zoning on March 25, 2019 and turned it over to the applicants, Mr. Fields and Mr. Mathis.

Eugenio Mathis, Attorney for Community 1st Bank stated that there were important matters to discuss which included that the Public Hearing was not being done in a timely fashion, that City ordinance required 47 days from the date, in essence of the Planning and Zoning hearing, to conduct a public hearing. He added that the Planning and Zoning Commission hearing was on March 25th, 47 days from that day would have been Saturday, May 11th, which would have been extended to the following Monday, May 13th and were here today, May 15th and

stated that his basis for that was a reading of Sections 450-110 and 450-114 of the Las Vegas Municipal Code.

Mr. Mathis stated that the second matter was that he believed it was pretty well settled that you could not administer an oath to someone after they have testified. He advised that the oath to tell the truth must be impressed upon anyone before they gave any testimony and the attempt to circumvent that, they believed was improper.

Mr. Mathis asked the Governing Body that they treat the Community 1st Bank as they would treat any other individual that would appear before them in the matter of this type and added that they pay taxes, just like everyone else and asked for fairness from them.

Mr. Mathis stated that he disagreed with previous comments regarding Courts looking at Spot Zoning unfavorably although that what was universally disfavored, was the lack of due process. He advised that the bank understood the emotional appeal of the opponents and the information that was being disseminated and provided to Council in some cases on numerous occasions, was violative of the bank's right to due process.

Mr. Mathis advised that the Community 1st Bank became the owner of the property by virtue of a foreclosure and that the previous owner's intent was to develop the entirety of the property although the fact that he could not, did not mean that the bank should not be in jeopardy of coming before the Governing Body with a proper request for a zone change.

Mr. Mathis advised that since the Planning & Zoning Commission voted on March 25, 2019 to approve the bank's application, by a vote of 3 to 1, with only one dissenter, who was Diane Lydsey who lives on Sperry Drive, as she did not want to go against her neighbors these individuals. He added that those who opposed the bank's application had been allowed to present their side of the story to the Body on multiple occasions and that they believed this had created an atmosphere of oppression and prejudice to the bank. Mr. Mathis advised that Dr. Alarid and Mr. Rogers appeared before the governing body on April 10th, were not sworn in at that time but were allowed to present comments to the body that was given the authority to decide on the issue, stating the nature of their opposition to the zone change.

Mr. Mathis stated that on April 17th, the date that this matter was originally scheduled before the governing body, six individuals appeared before them during public comment of the meeting, again, not under oath and expressed their opposition to the zone change. He advised that those individuals were several who appeared before them earlier tonight, who were Andy Trujillo, Joe Cooney, Dr. Alarid, Mr. Rogers, Pat Romero and Corinna Laszlo-Henry and stated that they objected to the allowance of individuals who opposed the bank's application from appearing multiple times before this body and stating their objections. Mr. Mathis added that they were afraid that this body would not give the due consideration that it should, to the bank's application on its merits because of the repeated efforts by opponents to appear before this body and provide unsworn testimony as to the nature of the bank's application.

Mr. Mathis advised that they were informed on the morning of April 17th that they had not received notice of the meeting and was the reason the meeting was tabled on April 17th. He stated that City Attorney Garduno Montoya informed the Governing Body that they probably should not allow these individuals to speak during Public Input, for fear of this matter just raised. He advised that he spoke with Ms. Garduno Montoya regarding the petitions received against the bank's application that would be presented at the meeting and of the confirmation of the bank not receiving notice. Mr. Mathis added that despite the fact that they were notified of the meeting not taking place, several individuals (6), appeared before the Governing Body on April 17th and were allowed during the Public Comment portion of the meeting to state their specific objections to the bank's application. Mr. Mathis stated because they were informed that the matter would not be taken up by the City Council on that day, no one from the bank felt that there was a need to appear and defend its position and that testimony was presented to them, unsworn.

Mr. Mathis stated that they were also concerned that information other than information on presentations made that night and at other meetings, would be considered by the governing body, in making their decision. He stated that they were aware of the letter from Mr. Cooney to Mayor and Council dated April 1, 2019, which was not in the record before them and that the petition was not included on the agenda, on the City's website.

Mr. Mathis advised that there had been a suggestion that individuals should send written or electronic correspondence to Mayor and Council, voicing their objections and that they believed this was a patently unfair manner in which to

make and decide the serious decision before them. He stated that if they had received any communication concerning this matter, that they hoped that each of them would disclose the name of the individual who contacted them and the substance of communications with them. He advised that the danger in that was the example of an elected official stating their opposition through a letter and thought that was the epitome of hearsay and felt that the bank found itself in this type of atmosphere and they were just asking for fairness in their decision.

Mr. Mathis spoke on allegations made regarding situation of nefarious types of businesses that would be allowed to open if the application was approved. He advised that they were asking Council to disregard those allegations and to recognize that this municipality and the adoption of a zoning ordinance had allowed special types of businesses to operate in a C-3 zone.

Mr. Mathis advised that they did not know what development would go up although stated that he could guarantee 100%, that it would not be a strip club, massage parlor or liquor store. He stated that this property was unique and misleading because it was described as bounded on 7th on the East, 8th on the West and that this parcel was irregular in shape with a small bottleneck on 8th Street and a larger bottleneck on 7th Street. He added that the small bottleneck on 8th near Melinda Lane was the only piece of this property that bordered 8th Street.

Mr. Mathis explained in detail the zone change property to the Governing Body on a larger scale map and mentioned that Mr. Fields had offered 1 acre for a park in that area and that they were willing to work with the community.

Councilor Casey stated that there had been conversations from the community with the bank regarding dividing the parcel in half so that the property closer to the 7th street entrance could be used for commercial and the rest could be residential and asked if the bank would be willing to do that.

Mr. Mathis stated that his conversation with Mr. Swanson was regarding that they could consider the idea although they did not agree to it and that the property had not been subdivided.

Mr. Fields advised that if you would use the 7th Street entrance, it was 56 feet, so it was big enough for two lanes for access to it. He stated that the problem was if you divided that part for the commercial, it was not big enough to develop

anything and that basically from 7th street to about the middle of the property was very narrow, with no acreage and no square footage to develop.

Mr. Fields informed that the government buildings on the South side where there was access, that a developer could get with those people to have the road continue through. He advised that the reason for the C-3 was because they had no one interested in residential, whatsoever. Mr. Fields mentioned if you got in to the middle of the property, you had the access and could use that piece of property for government or some type of commercial and would flow right with it.

Mr. Fields stated that they wanted to be good neighbors, that was why they had offered the 1 acre of land and if it took a little more for the park, they could have discussion of donating the land. He informed they had been trying to sell the property and had been on the market for 8 years with no buyers and right now was not meeting the full potential for tax revenue. Mr. Fields explained they were paying taxes on it but if it would be commercial, the benefit would be the GRT, jobs and opportunities that were needed in the City.

Mr. Mathis stated that there was misapprehension regarding that if the application would be approved that it would result in many traffic issues although he had shown how the property was situated to where there could not be any access off of 8th Street, Highlands, Sperry or Keen Drive.

Mr. Mathis spoke of the City ordinance requirements regarding the site development plan and that they had substantially complied with and stated that this was a difficult decision for the governing body and that there was a lot of emotion and thought it was based on the misapprehension and misconception of what was going to be brought in. He advised that they were not bringing in a strip club, that the bank was more conscientious than that. Mr. Mathis stated that the governing body had a say so of what would go in there and that this was a preliminary decision to zone the property as commercial.

Councilor Casey had questions of the parcel not being large enough to develop commercial on 7th st.

Mr. Fields clarified that he was regarding to the entrance being divided in half which would be on 7th street side and that it would be too narrow to divide.

Councilor Casey stated that there was a "For Sale" sign that stated that it was zoned commercial and felt that that was false advertisement and it should be changed to reflect on what would happen that evening.

Councilor Casey advised that she was concerned on spot zoning and that it was singling out a piece of land for a use classification totally different to what was existing in that area and it was to benefit the owner of the property but would be to the detriment of the other owners in the area. She added that the seller of the property could not guarantee what type of development would be going in and that was a real concern and they could not restrict on who you sell it to you, and anything could happen. Councilor Casey recognized that the Community 1st Bank had been good and generous to the community although thought those were issues we needed to think about, what would be good for the community and the bank should have discussion of some other options regarding that property so that everyone would benefit.

Mr. Fields stated that he felt it was not spot zoning, due to the County having business on the North side and that on the South side of it, was government buildings and did not agree and also being that the property was in the middle of two commercial areas. He added that the governing body had the option of what businesses came in and was bothered by the City losing businesses all the time, population going down due to not moving ahead, no growth and no jobs for young people. Mr. Fields stated that their main goal was making sure the town was growing and supporting opportunity and more jobs.

Lengthy discussion took place regarding the purpose of the Metropolitan Plan, the involvement of Community 1st Bank with the plan and of reasons on the need to sell the property as commercial.

Mr. Fields advised he had not attended meetings which included discussion the Metropolitan Plan, due to at that time, the bank was going through difficult times although stated that they would now be more involved.

Councilor Casey spoke about what the Metropolitan Plan was about and brought up the fact of the property being on the market for 8 years.

Lengthy discussion took place regarding the situation of the property and reasons of why they felt the need of selling the property as commercial.

Councilor Howell asked if the developer decided to widen the section of the ingress, could he do that?

Mr. Mathis stated that would be contingent upon the people who own the property on either side and he believed that they objected to the application, so it would be unlikely that they would give permission for him to do that.

Councilor Howell asked City Attorney Garduno Montoya, if this would not go through, was there an appeal process for the applicant?

City Attorney Garduno Montoya replied "Yes".

Councilor Howell asked what legal ramifications would happen if we disapproved this.

Mr. Mathis stated that he would need to have a discussion with the representatives of the bank to determine whether they wished to appeal a decision that would disapprove their application and based upon their decision, either go forward with an appeal in district court or not go forward.

Councilor Howell stated that this property was in his ward district and added that he had received many calls regarding the rezone and asked Mr. Fields if he had received many calls.

Mr. Fields advised that they have heard some comments from their customers or off the street and taken those into consideration which brought forth him offering the 1 acre land for the park. He added that he believed it would be very appealing to have a park entrance into the commercial area.

Lengthy discussion took place regarding alternative options of trading properties and of concerned residents' issues.

Councilor Romero stated that he understood the concerns of both sides of this issue and asked a question regarding the public input being put into the testimony and asked if the public input would not be put into this record proper.

City Attorney Garduno Montoya advised that they would ask anyone who wanted to speak, they could be sworn in and advised that the public input would not be

included in the record proper, due to it not being sworn testimony at the time, which she tried to prevent from happening.

Councilor Romero asked if this was approved tonight, would the commercial business have to come through Council.

Planning & Zoning Coordinator Perea advised that their plats had to be approved through the Development Review Team and make sure that it was feasible for the community. She stated that building setbacks, water and sewer were looked at and that it would also involve D.O.T. and advised that the businesses could bring it to Council although they did not have to. Ms. Perea advised that the final approval of the building would go through Construction Industries Division.

Councilor Romero asked if they had the authority tonight, to request buffer walls, or that certain entrances not exist to ensure less traffic on 8th Street.

Ms. Perea thought it was required by ordinance to have buffers areas within the commercial and residential areas and believed Council could make recommendations regarding the ordinance.

Discussion took place regarding Council making recommendations to amend ordinances.

Council Romero stated that in that, we could refer that to Planning & Zoning to ensure those changes.

City Attorney Garduno Montoya stated that that would be an option, to either retain a vote tonight or refer it back to Planning & Zoning Commission.

Further discussion took place regarding the process of changes to the ordinance and going through the Planning & Zoning Commission.

Mr. Fields advised that once, being a project manager for the bank, during the bank's renovation he worked with the City and that they had a lot of control on what and how the establishment was opened. He added that if the development plan would go back to the table, they could not offer it as a commercial site and that was the hurdle the bank was trying to get over.

Council Casey advised that she was concerned because Mr. Mathis had stated that people spoke at other meetings about the rezoning issue. She stated that this governing body allowed public input and that her personal belief was that we live in a democracy and the democratic ideal was best served by a well informed public and also by well informed elected officials that have to make decisions for that well informed public. Councilor Casey informed that she did not see the people who gave public input as being discounted because they were not sworn in. She added that anyone who wanted to attend a meeting and speak about anything was allowed to, they listen to everyone and that she did not see that it was an issue, if in fact that the bank decided that they wanted to file suit against the City. Councilor Casey stated that it was the public's right to make Council aware of their concerns whenever they were allowed to have public input and said that she did not agree with Mr. Mathis.

Mr. Mathis advised that he thought it was different in a Public Hearing, that they had moved to be in a Public Hearing and they had made the attempt to incorporate public comments that were not under oath into the record for this hearing and that it was entirely improper.

Councilor Casey stated that the comments would be a part of the record anyway, being included in the minutes and she suggested, along with what the Mayor was about to propose, regarding to allow those who were still present, who would like to make comments as sworn testimony.

Mayor Gurulé-Girón stated that they would be allowed to restate their comments, in the way of being done and conducted properly.

Mr. Mathis asked what they would do about the people who were no longer present that spoke in public input, that were not sworn in?

Councilor Casey advised that that would just be a part of public input and not part of the record proper.

City Attorney Garduno Montoya asked anyone who wished to speak on the issue, to please stand and be sworn in. Jeri Braccialarghe, Andy Trujillo, Jose Patricio Ernesto Romero, Dr. Mary Schipper and Dr. James Alarid were sworn in.

Jeri Braccialarghe, a Registered/Psychiatric Nurse stated that as a community member speaking in an open forum with the freedom to speak, felt extremely

uncomfortable and intimidated due to an attorney questioning her and questioning the Governing Body's process. She added she did not have the freedom to speak now, she had a lot of information she wanted to share but the information that she did share, that she quoted was used, including her name that was brought up and how this Council was not acting appropriately and an implication by an attorney was that it was something unlawful and she thought it created a frightening atmosphere.

Ms. Braccialarghe stated she came with the intention of being able to share, and not have an attorney make this feel like it was a trial, a judgement or have her name taken down, that this was where she could speak her truth without fearing retaliation. She advised that she had a meeting last year with Mr. Fields and would have liked to share that although now was concerned about expressing anything.

City Attorney Garduno Montoya advised Ms. Braccialarghe, that she could speak freely , that she was under oath, that this was a public hearing for purposes of a possible appeal and that they needed to make a record of what her opposition was.

Ms. Braccialarghe stated that she had copies from two days ago of the realty company that was carrying this property and stated that you could see on the document that there was a squiggly line, so that you really could not tell how it had been zoned, and that underneath that, it clearly said "parcel B rezoning from residential" with the implication being that it was done. She added that she was told by the realtor, that this was not taken through zoning due to it being too politically unstable here last year, and that she had contact with Ms. Perea about this, and she asked the realtor about why the change to commercial, he said that it was worth more as commercial. She stated that the information regarding the acreage on the sign was an error and she advised that that error had not been corrected and added that errors where it noted what it was zoned as were corrected the next day but that it had been actively marketed as commercial.

Ms. Braccialarghe informed that when she asked Community 1st Bank about the original loan, they advised that they thought it was zoned commercial and that there had been an appraisal done on that property as commercial and she had the name of the appraiser. She stated that to her understanding, Spot Zoning was not possible and that the sense of the community was that this was a done deal, that

the community had no say so, that it had been marketed as commercial, as though they had nothing to say, nor did the Council, other than to just agree.

Ms. Braccialarghe stated that she found it strangely disturbing that an Attorney was brought into this when it was supposed to be an open forum, and assumed that the bank had people that could speak of their concerns. She added that one of her main concerns was the exposure of children to the high risk environment from traffic to crime and noted the amount of abandoned, vacant buildings in the City. Ms. Braccialarghe thought the questions being raised on things not being done in a timely fashion were an apt distraction from the real issue and asked Council to focus on the issue and once it was rezoned it was out of the people's hands. She stated that the people here were concerned they had no say so in this and was extremely disconcerting to her, that they did not feel that they needed an attorney, and that hopefully the that they would listen to the needs of the people, that this was in their front yards and that elders were extremely frightened of the potential of issues regarding traffic to crime.

Andy Trujillo stated most of his feelings had already been heard, that it helped to hear some of the plans and that Attorney Mathis mentioned that everything required was included with the preliminary plan. He stated that he could not see how everything was there and it had not yet been addressed. Mr. Trujillo stated that if they decided to change to a C-3, it would be out of Council's hands and that the business did not have to come back to Council for approval, that it was not required and could become whatever they want it to. He was thankful for the 1 acre although thought it would not be enough for a park or buffer zone. Mr. Trujillo suggested that it stay residential until they had a commercial buyer.

Pat Romero stated that he was on the hot seat now and it reminded him of being on the school board and remembered that someone asked him why he did not have a lawyer with him at board meetings, with his response being , that they did not intend to do anything illegal. He stated that he always lived by the fact that you do the right thing for the right reasons and that people should have a little bit of freedom living in Las Vegas, New Mexico by not having to be afraid of someone taking them to court because we had said something to say, which he did not agree with although could happen. Mr. Romero was concerned that he was not notified about the zone change and did not know this was happening until later and that he had property that was very close to the zone change. He thought maybe trading land would be another option and that were many vacant properties that could not be sold and suggested to look into more recreation for

the youth of the community. He stated his name "Jose Patricio Ernesto Romero" for the record.

Dr. Mary Schipper stated that she wanted their neighborhood to stay stable and safe and that officially during public hearing time she wanted to once again bring the attention to the written protest and according to Ordinance 450-116; notwithstanding other provisions of this chapter, if the owners of 20 percent or more of the area of the lots of land included the area proposed to be changed by a zoning regulation or within 100 ft, excluding public right of way of the area proposed to be changed by a zoning regulation, protest in writing the proposed change in the zoning regulations, the proposed change in zoning shall not become effective unless the change is approved by a majority of the members of the City Council. She advised that they had the written protest with the signatures of all the permanent land owners of the land in question and she called for the attention from City Council to do that.

Dr. James Alarid advised he had lived at 2811 8th Street, since 1993, which was 100 feet from the ingress of the proposed property and bought the land with the premise of the property being R-R residential. Dr. Alarid praised Mr. Mathis for his representation of the Community 1st Bank and that he never had issues with the bank trying to unload that piece of property although felt that they were making them speculate about what would happen if the property was sold. He stated that he thought that there was still a great opportunity for a residential center and that it was determined that the property was odd although that designers and architects were creative enough to determine how to parcel it out to what they want.

Dr. Alarid stated that he felt that the Eastern side loaned itself to commercial property, the Westside to residential and the Southern to residential R-1 RR and believed that some houses could be built in the future. He advised that this had brought people together with a strong voice. He advised that he was never given notice of the Planning & Zoning meeting although he had made time to leave work and attend meetings. Dr. Alarid advised that he would like to think that Community 1st bank was really a community bank and would like for them to withdraw their proposal, go back and plan for something positive, so that everyone would win. He advised that several residents including himself have invested a lot of money into their properties and into that area, he stated everyone had had their due process, thanked Council for their service which was making difficult decisions and asked that they deny the proposal.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Councilor Casey made a motion to disapprove to adopt Ordinance #19-03, amendment to the Official Zoning Map for a 21.277 acre +/- parcel located north of Ridge Runner Road between 7th Street and 8th Street, Las Vegas, New Mexico. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

COUNCILORS' REPORTS

Councilor Casey took the opportunity to recognize and publicly commend, Chris Rodarte, Streets Director and his staff. She advised that Mr. Rodarte went above and beyond to help the City of Las Vegas and helped people at every turn. She stated that he was very attentive to everyone and was a wonderful employee and representative of the City.

Councilor Casey informed that at last month's meeting from Virginia Marrujo advised that she would provide information regarding the Lodger's Tax Expenditures and amounts that had been approved and asked when they would be receiving it.

Community Development Director Virginia Marrujo advised that part of the report was provided to them in their packet along with the FY 20 grant process and would review the breakdown and put it in their boxes the next morning.

Councilor Casey requested from Ms. Marrujo an update on the agenda items that they discussed yesterday at the Lodger's Tax meeting, what actions were taken, how much money was approved and for what.

Ms. Marrujo advised that she would provide that information.

Councilor Casey stated that an IPRA request that was done about a month ago, was not completed to date and we were told that it would have been completed within a week that it was requested by Mr. Aragon and felt it needed to be worked on due to their being statutory guidelines that needed to be met.

Councilor Casey asked if we have a City employee who had attended training that was paid for by the City and that person resigned their position, was there anything in policy that stated they have to repay that money that was paid to them for out of state training.

Interim City Manager Ann Marie advised that that was part of the personnel policy and that they had to pay back the money.

Councilor Casey advised that Gallinas Riverwalk Committee and Hermit's Peak Watershed Alliance was trying to raise money (\$140,000.00) to complete restorations at the riverwalk/park area and that they needed \$40,000.00. She added that she had received emails from Leah Knutson requesting solidifying their relationship with them (MOU) and encouraged the Governing Body to do that and to try and budget \$40,000.00 in order to complete their work at the riverwalk.

Mayor Gurulé-Girón stated that discussion had taken place that day regarding the riverwalk and commitments the City had made with the Hermit's Peak Watershed Alliance.

Interim City Manager Ann Marie advised that they had come to the City for funding and that they did submit a Legislative appropriation request and through the efforts of the City, they were awarded \$70,000.00 and stated that she believed that they were going to be a partnership between the County, the City and several other entities and would follow up with Ms. Knutson on how much everyone has given.

Brief discussion took place regarding Lodger's Tax funding and how much they gave watershed alliance.

Councilor Howell stated that when he asked about the legalities to Mr. Mathis, was due to him feeling threatened also in regards to what he was saying and led him to the right decision that he had made. He stated that our voices were important and that it was important that we do speak and apologized to anyone affected, and that Council encouraged community members to freely come and speak about any issues. Councilor Howell advised that he felt that good points that were brought up, such as why would we have to do the zone changes now and to get a development plan done and he felt good about our Governing body, that they listen to the community's voices.

Councilor Ulibarri, Jr. thanked Streets Director Chris Rodarte for his work on many of potholes throughout the city and thanked all City employees as well and stated that he had concerns regarding the Valencia water tank drainage issues.

Mayor Gurulé-Girón advised Councilor Ulibarri, Jr. that his concerns had been noted and Interim City Manager Gallegos would follow up with Maria Gilvarry. She thanked every employee and everyone for staying during the late meeting, being patient and persistent and stated that these were tough decisions and felt they were the right decisions and to those for never giving up on the fight. Mayor Gurulé-Girón thanked Maria Gilvarry, Christy Rodarte and their crews, all City staff and advised that the Governing Body was there to serve the community.

EXECUTIVE SESSION

Councilor Romero made a motion to go into Executive Session to discuss personnel matters regarding the Community Development Director, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Discussion took place regarding what the process would be considering the fact that Councilor Ulibarri, Jr. was participating via telephonic.

Mayor Gurulé-Girón made the recommendation of reconvening into Executive Session in City Manager’s Office and advised Councilor Ulibarri, Jr. that he would not be participating in the Executive Session discussion.

Councilor Ulibarri, Jr. agreed with Mayor Gurulé-Girón’s recommendation.

Councilor Romero made a motion to reconvene into Regular Session and stated that only matters personnel matters regarding the Community Development Director were discussed and no action was taken. Councilor Howell and Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

ADJOURN

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

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

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Tonita Gurulé-Girón

Mayor Tonita Gurulé-Girón

ATTEST:

Cassandra Fresquez by DS

Cassandra Fresquez, City Clerk