

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL WORK SESSION MEETING
HELD ON WEDNESDAY, MAY 9, 2018 AT 5:30 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Tonita Gurulé-Girón

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

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Romero asked for a moment of silence for our community and those we have lost in our community and also for this governing body, the rest of our City and their employees and that they stay safe and continue to move this City forward.

APPROVAL OF AGENDA

Interim City Manager Ann Marie Gallegos advised making a recommendation of an amendment to agenda Item #3, Adoption of the City of Las Vegas New Mexico Metropolitan Redevelopment Plan, (Downtown Action Plan) authorizing the resolution to include the Resolution #18-22 Grant Agreement and Certificate of Grantee. Interim City Manager Gallegos advised they would be adding the resolution number to the agenda #18-22.

Councilor Casey made a motion to add Resolution #18-22 to Item #3. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

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

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

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

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

PUBLIC INPUT

Cindy Collins advised she was there on behalf of the Mainstreet de Las Vegas Board of Directors. She read the names of the board which were Stella Burciaga, Sara Jo Mathews, Jennifer Carbajal, Corine Leger, Michael Siewert, President Sam Minner, Jonathan Madrid, Reina Fernandez, Dr. Bill Taylor, Patrick Alarid, Grant Writer and fundraiser Wid Slick and Robert Archuleta, ex-officio City member. Ms. Collins advised the governing body to listen carefully to the presentation of the MRA Downtown Action Plan, a "roadmap" for future projects and stated they had completed many projects in the past eight years. Ms. Collins asked for consideration regarding the document to be approved and placed on the Consent Agenda.

Margaret Villanueva, Secretary for the San Miguel County Federation of Democratic Women advised she was there as a voter and stated that they had not heard of any community wide meeting to address the issues raised or problems regarding the audit since it was released. Ms. Villanueva advised instead of going through the State Attorney General or the State Auditor, it would be more effective to have a local discussion as a community with input and questions, in order to understand exactly what was going on and what would be changed in the future regarding the problems in the audit. Ms. Villanueva felt that the meeting last Friday was called at the last moment, not giving the public the opportunity to give their input. Ms. Villanueva asked Council if they could possibly give advance notice of important issues coming up, either at a regular council meeting or a community meeting so that the public may be aware of what is happening in the City.

Mayor Gurulé-Girón advised Ms. Villanueva about having Town Hall meetings and the notice did meet the 72 hour requirement with regards to the publication as well as a 24 hour notice with regards to the agenda.

Councilor Romero asked Mayor Gurulé-Girón if he could make a comment.

Mayor Gurulé-Girón advised if it was concerning the comment made by Ms. Villanueva, then yes, he could make a comment.

Councilor Romero stated that everyone probably read the newspaper about some Council members not being present at Fridays Special Meeting and explained why he could not attend. He advised that he did let Mayor Gurulé-Girón know about 10-15 minutes after getting the notice of the meeting.

Councilor Romero advised he had the honor of confirming his niece now goddaughter and stated that the confirmation process was a two year commitment. He explained he could not call his goddaughter and cancel, meaning she would not be confirmed and informed again, that Mayor Gurulé-Girón was aware of his plans although still continued with scheduling the meeting for Friday. Councilor Romero advised that he was not aware of the reasons why the other Councilors were not present.

Councilor Romero advised there was twenty days before when the meeting could have been scheduled, he stated that Mayor Gurulé-Girón was going to be gone Monday and Tuesday and could not schedule the meeting on those days. He

apologized to any constituents that had concerns and he hoped they understood that when you confirm somebody it is a two year process and he wasn't going to let his goddaughter down.

Mayor Gurulé-Girón stated that the 72 hour notice was met as well as the 24 hour notice for the agenda, and everyone was notified, she stated that according to state statute the only way you were able to miss meetings, is if there was an emergency or impossibility. Mayor Gurulé-Girón explained she had been there for 8 years and had missed one meeting because there was a grave emergency in her family.

Discussion Items

1. Purchase of a Caterpillar 420F2 IT4E backhoe.

Utilities Director Maria Gilvarry introduced Jude Herrera and David Marquez from the Gas division and advised that they were requesting approval for the Gas Division to acquire a backhoe. She stated that the Gas Division had 2 backhoes and the oldest backhoe was 28 years old and was still operational although they spent a lot time on the maintenance of it. Utilities Director Gilvarry advised that they do look at replacing their equipment on a regular basis and that was one piece of equipment they did budget for and needed to replace. She stated it was still operational and would make it available to the Wastewater Division who was short on funds and could be beneficial to them to acquire an older backhoe.

Utilities Director Gilvarry explained the backhoe was a CAT product and the purchase price was \$116,894.00, came with warranties for powertrain which was 5 years and parts and labor for 2 years. She praised the Gas division for their job in maintaining the backhoe, lasting for many years.

Councilor Romero asked what the average annual usage for a backhoe was.

Jude Herrera advised that in the gas division, was roughly 800 hours.

Councilor Howell asked if it was in the budget for the Gas Division to purchase the equipment.

Utilities Director Gilvarry advised that it was included in the budget and did have money in the equipment budget to purchase a new backhoe.

Councilor Howell asked how many backhoes the City owned.

Utilities Director Gilvarry advised she could not answer that although each division using their own Enterprise fund, purchase their own backhoes. She stated that the Gas Division currently had two backhoes, having two crews, each crew owning their own and added that they were used repeatedly by each crew. Utilities Director Gilvarry advised that the Water Division had two backhoes and the Wastewater Division had one but it was not operational.

Councilor Howell asked if there was another alternative to buying another one.

Utilities Director Gilvarry advised that 28 years was a long time and the life of the equipment was normally about 10-15 years and that was something they do want to be replacing so it would not fail on them. She felt that it was not ideal to have to borrow backhoes from other divisions, due to limiting their work.

Interim City Manager Gallegos advised that most of the divisions and departments allow and utilize different equipment from different departments. She stated that the Police Department vehicles were being rotated as well and that they were making sure that staff had working equipment needed.

Councilor Howell asked if it was going to be in this years budget or the following year.

Utilities Director Gilvarry advised that the piece of equipment was ready for them to purchase upon approval from the Council and would be able to submit the request for a purchase order.

Gas Department Superintendent David Marquez advised that the equipment could be ready by the end of May or mid June.

Gas Department Superintendent Jude Herrera advised that they needed to add a few attachments on the equipment.

Interim City Manager Gallegos advised it was being purchased under a State Purchasing Contract.

Councilor Howell asked if that was where the funding was coming from.

Interim City Manager Gallegos advised no, it was an SPD contract so they wouldn't have to go out for any further bids or proposals.

Councilor Romero asked if there was a plan to regularly schedule replacement of equipment.

Interim City Manager Gallegos advised they were trying to get all the departments to work on rotating of all the equipment and there were vehicles that still needed to be replaced.

Utilities Director Gilvarry discussed how her department was tasked with placing all the equipment and vehicles on a rotation schedule and not have to replace multiple equipment in the same year.

Councilor Romero asked what line item it would be paid out of.

Interim City Manager Gallegos advised it would be the 627 fund which was funded from the Gas department and line item 8004 heavy equipment, out of construction.

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

2. Publication of Ordinance No. 18-03 amending Ordinance No. 18-01 entering into a loan agreement with the New Mexico Finance Authority.

Utilities Director Maria Gilvarry advised Evan Kist was the representative from RBC and was there to request publication of ordinance #18-03 which was an ordinance amending 18-01 to proceed with the loan agreement with NMFA for the storage in Storrie. Utilities Director Gilvarry advised that the Bond Council recommended that they do the amendment to add in a section that would allow for delegation authority as well as add information they did not have before. Utilities Director Gilvarry advised it was the same ordinance with additional items.

Councilor Casey asked if the money they were going to pay the NMFA loan was from the Municipal Capital Outlay Gross Receipts Tax.

Interim City Manager Gallegos and Utilities Director Gilvarry both advised, yes.

Councilor Casey advised the definitions on the document were not clear and discussion took place about minor changes to the document.

Utilities Director Gilvarry advised that the changes would be corrected.

Councilor Casey advised she wanted to see what language had been added because the document did not show the added information.

Discussion took place regarding where the markup came from and what was stricken and added.

Councilor Romero asked for clarification on 4.2 on the GRT and if that was the tax that was passed in 2012/2013.

Interim City Manager Gallegos advised that the tax was passed in early 2000 and was for water improvement bonds and they were paid for. She added that the water GRT had been accumulated for water capital projects only.

Councilor Romero asked if it was the same or separate from when the rates were increased.

Interim City Manager Gallegos advised that it was part of the whole GRT.

Councilor Casey asked how much money was in the fund.

Interim City Manager Gallegos advised that it was incorporated into the 646 Capital Improvement fund and approximately \$600,000.00 gets collected annually.

Discussion took place regarding payment amounts and estimations on how long the City would have to pay that amount of money.

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

3. Adoption of the City of Las Vegas, NM, Metropolitan Redevelopment Plan, (Downtown Action Plan), Authorizing Resolution #18-22, Grant Agreement and Certificate of Grantee.

Grant Writer/Administrator Robert Archuleta introduced Liza Miller from Architectural Research Consultants who had been the consulting firm for the adoption of the plan.

Discussion took place regarding the documents that needed approval from the governing body for the adoption of the final draft master plan, authorization of resolution for grant agreement certificate of grantee required by NMFA and for the City of Las Vegas Metropolitan Redevelopment Plan known as the Downtown Action Plan.

Grant Writer/Administrator Archuleta advised that the City of Las Vegas collaborated with Architectural Research Consultants, Mainstreet de Las Vegas, NMFA, the New Mexico Historic Preservation and the Department of Transportation.

Grant Writer/Administrator Archuleta advised the first document was the final copy of the plan, the second was the grant agreement between NMFA and the City of Las Vegas that outlined the terms to enter into agreement to reimburse the City \$50,000 for the grant awards, the third was the Certificate of Grantee which outlined the terms for the governing body to execute the documents for adoption, and the fourth document was the record of proceedings and resolution 18-22 that outlined the grant being funded through NMFA to the City of Las Vegas. He advised that the City issued an RFP for the project and they received two responses, one from Site Southwest and one from ARC and selected through a committee process, Architectural Research Consultants.

Discussion and questions took place regarding how far the Downtown Action Plan extended.

Councilor Howell advised that to his understanding, the Department of Transportation was involved.

Grant Writer/Administrator Archuleta advised that only to an extent of the road covering near the downtown area.

Discussion and questions took place regarding placing street lights on the first and last exits of Las Vegas.

A discussion and questions took place regarding the grate locks project and if it was included in the plan.

Councilor Howell asked if Mainstreet had given their blessing on the plan.

Grant Writer/Administrator Archuleta advised they had, as well as the New Mexico Historic Preservation, the Department of Transportation and the New Mexico Finance Authority and they were all required to vet the document.

Councilor Casey thanked Robert Archuleta and the Architectural Research Consultants for the excellent job they did and believed it is a wonderful plan. She advised that she was impressed with the comprehensiveness of the plan and thought it would do wonders for the City of Las Vegas.

Councilor Romero asked what Robert Archuleta's title was.

Robert Archuleta advised he was the Grant Writer/Administrator.

Councilor Romero thanked Mr. Archuleta for the detailed plan.

A discussion took place regarding if the rail yard and roundhouse was the second phase.

Mayor Gurulé-Girón asked what the shelf life was for the Master Plan.

Grant Writer/Administrator Archuleta advised approximately six to seven years.

A discussion and questions took place regarding the status of the Grand Avenue improvements with NMDOT.

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

EXECUTIVE SESSION

Interim City Manager Gallegos advised there was a need to go into Executive Session under item B, Matters subject to the attorney client privilege pertaining to threatened or pending litigation.

Councilor Casey asked to add item A also.

Mayor Gurulé-Girón advised they could add one personnel matter consistent with state statute and if there was more than one they could not discuss it.

Councilor Romero asked for clarification.

Mayor Gurulé-Girón stated *“when going into executive session you have one personnel matter that could be discussed in executive session under the section in the open meetings act also under the matters subject to the attorney client privilege you can only discuss those matters that are pertinent, in addition to the matters pertaining to discussion of sale and acquisition of real property, those are the only three items that could be discussed in executive session. When saying one personnel matter, that personnel matter must only be one personnel matter”*.

Councilor Howell advised it stated personnel matters.

Mayor Gurulé-Girón advised only one matter could be discussed and the matters could mean personnel matters regarding one situation.

Councilor Romero advised that there was personnel that needed to be appointed and as a council member it would be good to see where she was at and what her plans were.

Mayor Gurulé-Girón advised she would be getting a copy of her plan shortly and that should be of no concern and was not a personnel matter.

Councilor Casey asked when she planned to have a reorganizational meeting.

Mayor Gurulé-Girón advised hopefully sometime next month.

Councilor Casey advised that they would not be following the Charter.

Mayor Gurulé-Girón advised they did not meet the charter and checked with attorneys as well.

Councilor Romero advised the governing body rules and procedures needed to be addressed because things were outdated.

Mayor Gurulé-Girón advised when the Charter is vague they refer to the State Statute but the State Statute will not always supersede or uphold with the Charter. Mayor Gurulé-Girón advised they would be working to amend changes this year.

Councilor Casey explained when working as the Superintendent the board wanted her to rewrite all of the board policies, she advised it was not the City Clerks job, her job was to follow the policies that are there, not to write them. She suggested if they were going to revise the Charter and the Governing Body Rules and Procedures, someone with a legal background should be hired to do that.

Mayor Gurulé-Girón advised that there was a Charter committee and once they get an Attorney on board, they would work with the Charter committee reviewing it.

Councilor Casey asked if they would also be reviewing the Governing Body Rules.

Mayor Gurulé-Girón advised that was the duty and responsibility of the Legislative body.

Councilor Casey made a motion to go into executive session for the purpose of discussing matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978 and Councilor Romero advised if the maker of the motion to amend to also include (H) (2) personnel matters. Councilor Casey made a motion to go into executive session for item B which she had mentioned and item A personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.

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

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

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

Councilor Casey made a motion to go back into regular session after discussing personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, and for matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

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

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

ADJOURN

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

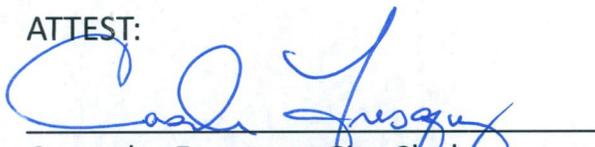
Vincent Howell	Yes	Barbara Casey	Yes
David G. Romer	Yes	David A. Ulibarri, Jr.	Yes

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



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez, City Clerk