

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING
ON WEDNESDAY, JANUARY 15, 2014 AT 6:00 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: David L. Romero
Joey Herrera
Vince Howell
Tonita Gurule-Giroń

ALSO PRESENT: Tim Dodge
Maire Lopez, Recorder
Dave Romero, City Attorney
Christian Montano, Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:13 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Alfonso E. Ortiz Jr. asked for a moment of silence in recognition of the needs for repairing Bradner Dam and to ask for the cooperation from the community in this project.

APPROVAL OF AGENDA

City Manager Tim Dodge advised he would like to present all business items for recommendation on consent agenda.

Tonita Gurule-Giroń advised that Business Items one through seven would be approved, but that business item number eight would not be included on consent agenda.

Deputy Clerk Maire Lopez read Business Items one through seven. Councilor Gurule-Giroń moved to approve the agenda. Councilors Vince Howell and David Romero seconded the motion.

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

David L. Romero	Yes	Joey Herrera	Yes
Vince Howell	Yes	Tonita Gurule-Giroń	Yes

Recorder Maire Lopez re-read the motion and advised the motion carried.

APPROVAL OF MINUTES

Councilor Howell moved to approve minutes of November 26, 2013, December 3, 2013 and December 11, 2013. Councilor Romero seconded the motion. Mayor Ortiz, Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	Tonita Gurule-Giroń	Yes
David L. Romero	Yes	Joey Herrera	Yes

Recorder Maire Lopez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENTS

Mayor Ortiz, Jr. appointed Ms. Victoria Evans as one of the new board members of the Museum Board. Mayor Ortiz, Jr. asked council if there were any objections. There were no objections by council.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

City of Las Vegas Police Chief Christian Montano advised that Code Enforcement Officers had been moved to the Community Development Department.

Councilor Howell asked questions about duties performed by Code Enforcement Services Specialists. Councilor Howell added concerns about the upkeep of the vehicles used by Code Enforcement and Animal Control Specialists. City Manager Dodge advised Councilor Howell the issue would be considered for recommendation.

Interim Community Development Director Lucas Marquez recognized the Code Enforcement Staff as being knowledgeable and well trained and thanked the Las Vegas Police Department for all their support with the transition.

Both Councilors Howell and Gurule-Giroñ addressed their concerns about the issues on tethering laws. Interim Community Development Director Marquez advised that they would be addressed.

Interim Community Development Director Marquez advised that the Community Development Department would be assisting the City of Las Vegas Water Department in their efforts to secure the funds necessary for the commencement of the Bradner Dam Project, via a letter writing campaign. Mr. Marquez added they would need the support from City Councilors by circulating letters to local businesses and to the public as well.

Public Works Department Director Carlos Ortiz informed the governing body on the status of several street projects. Councilors Gurule-Giroñ, Howell and Romero, addressed their concerns on the condition of several streets.

Mayor Alfonso E. Ortiz, Jr. presented plaques for entries in the Electric Light Parade. Mayor Ortiz, Jr. and City Manager Dodge thanked Rosita Ellis and Mr. & Mrs. Alvin Jiron for their hard work and dedication to the Electric Light Parade.

PUBLIC INPUT

Lavinia Fenzi, Executive Director of the Las Vegas Chamber of Commerce requested to be on the agenda for the next City Council Meeting. Ms. Fenzi added that the topic of her presentation would be titled "Economic Health of Las Vegas"

and would be addressed to the governing body. The subject matter of the presentation is intended to represent the perspective of the private sector, in attempt to address their concerns by reviewing the practices and policies of the City of Las Vegas. Councilor Tonita Gurule-Giron made a formal request on behalf of the Chamber of Commerce for consideration of the placement on the upcoming agenda.

Mayor Alfonso E. Ortiz, Jr. allowed Las Vegas Police Department Chief Montano to make a short presentation to recognize Sgt. Mike Lopez and his staff for their hard work and dedication for coordinating the 2013 Cops for Kids Toy Drive.

FINANCE REPORT

Finance Director Pamela Marrujo presented the finance report ending December 31, 2013. General Fund revenues were at forty nine percent with expenditures at forty three percent. Enterprise revenues were at forty seven percent overall with expenditures at forty percent. Recreation Department revenues were at forty six percent and expenditures were at fifty percent. Finance Director Marrujo advised there was a Special Fund added to the report. Special Fund revenues were at thirty percent and expenditures were at forty four percent.

Councilor Gurule-Giroń had questions and concerns about the budget. Councilor Howell thanked Finance Director Marrujo for her well prepared Finance Reports.

CONSENT ITEMS

Councilor Tonita Gurule-Giroń read the consent agenda in to record.

1. Approval/Disapproval of Resolution 13-57 Budget Adjustment Resolution.

Resolution 13-57 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
BUDGET ADJUSTMENT RESOLUTION NO. 13-57

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget for fiscal year 2014, and;

WHEREAS, said budget adjustments were developed on the basis of an increase in revenues and expenditures, transfers in or out in funds 101, 103, 203;

Increase revenues and expenditures in General Fund (101)- Increase revenues and expenditures in the amount of \$3,000 to be funded by US Department of Justice for the purpose of funding overtime in the police department;

Increase expenditures in Library Special Fund (103)- Increase expenditures in the amount of \$15,000 to be funded by unbudgeted cash balance for the purpose of purchasing books and equipment for the Carnegie Library;

Increase revenues and expenditures in State Fire Fund (203)- Increase revenues and expenditures in the amount of \$33,920 to be funded by a grant from the State Fire Marshal Division for the purpose of purchasing self contained breathing apparatus (SCBA's);

WHEREAS, the City of Las Vegas is in need of making adjustments in the 2014 fiscal year budget;

WHEREAS, it is the majority opinion of this Council that the budget adjustments meet the requirements as currently determined for fiscal year 2014;

NOW, THEREFORE, the Governing Body of the City of Las Vegas passes this budget resolution for budget adjustments, **PASSED, APPROVED AND ADOPTED THIS 15TH DAY OF JANUARY, 2014.**

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero, City Attorney

2. Approval /Disapproval of Resolution 14-02 in support of Las Vegas as an Arts & Culture District Designation.

Resolution 14-02 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO: 14-02**

A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, IN SUPPORT OF LAS

VEGAS AS AN ARTS & CULTURE DISTRICT DESIGNATION

WHEREAS, the State of New Mexico believes that communities can improve their economy through their creative and cultural efforts, and

WHEREAS, the State of New Mexico selected specific communities to be Arts & Culture Districts in order to implement this belief, and

WHEREAS, Las Vegas was selected by, and has contracted with, the State of New Mexico to be one of its Arts & Culture Districts, and

WHEREAS, the State of New Mexico supports these districts through the NM Economic Development Department, NM Tourism Department, NM Cultural Affairs Department, and NM Arts, and

WHEREAS, the State of New Mexico intends to further support its Arts & Culture Districts through capital outlay funding for ACD capital projects, and

WHEREAS, the City of Las Vegas and Arts & Cultural organizations want to be cooperative partners with the State of New Mexico in the ACD initiative, and

WHEREAS, Las Vegas must meet certain requirements to remain a designated ACD, to include: updating a Cultural Plan every five years, producing an annual signature ACD event; implementing a part-time paid ACD Coordinator, and marketing the Arts & Cultural aspects of Las Vegas.

NOW THEREFORE be it resolved that the City of Las Vegas does hereby support Las Vegas as an Arts & Culture District Designation and authorizes the City Manager and staff to implement MOUs and activities as needed.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2014.

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY

Dave Romero, City Attorney

3. Approval/Disapproval of Resolution 14-01 Open meetings Resolution.

Resolution 14-01 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 14-01**

A RESOLUTION ESTABLISHING REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT; RESCINDS AND REPLACES ALL PREVIOUS CITY OF LAS VEGAS RESOLUTIONS REGARDING "REASONABLE NOTICE OF CITY COUNCIL MEETINGS IN COMPLIANCE WITH THE OPEN MEETINGS ACT."

Whereas, Section 10-15-1 (B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to 10-15-4) provides that, except as may be otherwise provided in the New Mexico Constitution or the provisions of the Open Meetings Act, all meetings or a quorum of members of any board, council, commission, administrative adjudicatory body or other policy-making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body are declared to be public meetings open to the public at all times; and

Whereas, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs and at which a majority of a quorum of the body is in attendance, and any closed meeting shall be held only after reasonable notice to the public; and

Whereas, Section 10-15-1 (D) of the Open Meetings Act requires the City council to determine at least annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO, THAT;

1. **Regular Business Meeting.** Pursuant to Section 14-7 (A) of the Municipal Code, all Regular Business Meetings of the Las Vegas City Council shall be held on the third Wednesday of each month at 6:00 p.m. at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico. The agenda will be available at least seventy-two hours prior to the meetings from the City Clerk whose office is located at the George Arellanes Municipal Complex, 1700 North Grand Avenue, Las Vegas, New Mexico. Notice of said meetings shall be printed in a

newspaper(s) of general circulation one (1) time, at the beginning of the calendar year; and shall be telephoned, e-mailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. If a regular meeting is postponed, notice of the new time and date of said meeting may be printed in a newspaper(s) of general circulation; and shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice at least seventy-two hours to the specific time of the meeting or at the earliest date and time possible. If the date and time of the Regular meeting permanently changed, the new date and time shall be printed in a newspaper(s) of general circulation twice, one (1) week apart.

2. Work Sessions. Work Sessions shall be held for the purpose of examining issues, but no official action may be taken on the second Wednesday of each month at 5:30 p.m. at the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico. The agenda will be available at least seventy-two hours prior to the work session from the City Clerk whose office is located at the George Arellanes Municipal Complex, 1700 North Grand Avenue, Las Vegas, New Mexico. Notice of said work session shall be printed in a newspaper(s) of general circulation one (1) time, at the beginning of the calendar year; and shall be telephones, e-mailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice. If a work session is postponed, notice of the new time and date of said work session may be printed in a newspaper(s) of general circulation; and shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice at least seventy-two hours prior to the specific time of the meeting or at the earliest date and time possible. If the date and time of the work session is permanently changed, the new date and time shall be printed in a newspaper(s) of general circulation twice, one (1) week apart.

3. Other Meetings Not Regularly Scheduled. Special meetings may be called by the Mayor or a majority of the members of the City Council by giving notice to each member of the Council, personally served or left at his/her usual place of residence seventy-two hours prior to the meeting. Notice of said special meeting may be printed in a newspaper(s) of general circulation at least seventy-two hours before the meeting date or on the earliest date possible prior to the date of the meeting. Notice of said special meeting shall be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice for public announcement at least seventy-two hours prior to the specific time of the meeting or on the earliest date possible prior to the time of the meeting.

4. Emergency Meetings. Emergency meetings shall be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The City Council will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the members upon notice as practical under the circumstances. If time permits, notice of said meeting may be printed in a newspaper(s) of general circulation on the earliest date

possible as soon as the meeting is called. If time permits, notice of said meeting shall also be telephoned, emailed or faxed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice for public announcements on the earliest date and time possible prior to the time of the meeting. The notice for emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. All notices shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any meeting or at the earliest possible time in case of emergency meetings. The City Council may be flexible on agenda postings under considerable circumstances.

6. The City Council may close a meeting to the public if the subject matter of such discussion or action is exempt for the open meetings requirement pursuant to NMSA Section 10-15-1(H) of the Open Meetings Act.

(a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the City Council taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated with reasonable specificity in the motion for closure and the vote on closure of each individual member shall be recorded in a closed meeting.

(b) If the decision to hold closed meeting is made when the City Council is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity is given to the members and to the general public.

(c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.

(d) Except as provided in NMSA Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the City Council in an open meeting.

7. The regular scheduled meetings of the City of Las Vegas' Advisory Boards, Committees and Commissions are as follows:

- Planning & Zoning Commission/Board of Adjustments – Last Monday of the month at 4:00 p.m. – City Council Chambers;
- Design Review Board – 3rd Monday of the month at 4:00 p.m. – City Council Chambers;

- Lodger's Tax Advisory Board – (Quarterly) 2nd Tuesday of the month at 2:00 p.m. – City Council Chambers;
- Extra-Territorial Authority – Last Tuesday of the month at 4:00 p.m. – City Council Chambers;
- Extra-Territorial Zoning Commission – 3rd Tuesday of the month at 4:00 p.m. – City Council Chambers;
- Las Vegas Youth Commission – 3rd Tuesday of the month at 12:00. – City Council Chambers
- Library Board – 2nd Tuesday of the month at 4:00 p.m. – Carnegie Library;
- Finance Committee – Tuesday prior to the 3rd Wednesday of the month at 3:30 p.m. – City Council Chambers
- Utilities Committee – 2nd Tuesday of the month at 1:30 p.m. – Utilities Department;
- Public Housing Authority Board of Commissioners – 3rd Wednesday of each month at 5:30 p.m. – City Council Chambers;
- Housing Committee – Last Wednesday of the month at 11:00 a.m. – Housing Department;
- Downtown Revitalization Committee – At the call of the Chairperson or to be announced;
- Film Commission – 1st Wednesday of the month at 4:00 p.m. – City Council Chambers;
- Museum Board – 2nd Thursday of the month at 5:00 p.m. – Las Vegas Museum & Rough Riders Memorial Collection;
- Recreation Committee – 3rd Thursday of the month at 3:00 p.m. – Recreation Center;
- Senior Advisory Committee – 2nd Tuesday of the month at 3:00 p.m. – Public Works Department;
- Tree Board – Last Tuesday of the month at 3:00 p.m. – Tierra Y Montes Conference Room;

This Resolution shall be published in a newspaper(s) of general circulation twice, one (1) week apart after its adoption.

Done this 15th day of January, 2014.

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Cassandra Fresquez, City Clerk

Approved as to Legal Sufficiency Only:

Dave Romero, City Attorney

4. Approval/Disapproval to award Bid2014-14 for Hydraulic Excavator and Attachments.
5. Approval/Disapproval to award Bid 2014-13 Natural Gas inventory Supplies to Apex Instruments and Secor.
6. Approval/Disapproval to enter into contract with HDR Engineering Inc. utilizing SRF 2911 funding.
7. Approval/Disapproval to award RFP 2014-12 and enter into contract with Soleil West for Professional Architectural Services.

Councilor Gurule-Giroñ made a motion to approve the consent agenda. Councilor Howell seconded the motion.

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

David L. Romero	Yes	Vince Howell	Yes
Tonita Gurule-Giroń	Yes	Joey Herrera	Absent

Recorder Maire Lopez re-read the motion and advised the motion carried.

BUSINESS ITEMS

8. Approval/Disapproval of City Attorney Contract.

Mayor Alfonso E. Ortiz, Jr. recommended to the governing body, the approval on issuing a contract to City Attorney Dave E. Romero for another year.

Councilor Tonita Gurule-Giroń had questions and concerns on the process of the renewal of the contract. City Manager Dodge addressed all questions asked and explained the process.

Councilor Howell made a motion to approve the contract for the City Attorney. Councilor Romero seconded the motion. Mayor Ortiz, Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Joey Herrera	Yes	David L. Romero	Yes
Tonita Gurule-Giroń	Yes	Vince Howell	Yes

Recorder Maire Lopez re-read the motion and advised that the motion carried.

COUNCILOR'S REPORTS

Councilor David L. Romero informed the governing body that he had received a letter from Mr. Rubio in regards to the assistance from the City of Las Vegas after a fire damaged his home.

Mayor Alfonso E. Ortiz, Jr. stated that Mr. Rubio had already been assisted with the use of the landfill for household waste, at no cost to him.

City Manager Dodge added that any further assistance as far as abatement would violate the Anti-Donation clause.

City Attorney Dave Romero also stated that the property would have to be recognized as a nuisance to the community in order to be considered for abatement, which also would require a lien to be placed on the property.

Councilor Howell advised that there are a group of citizens that have shown an interest in expanding the skate park located at the Recreation Center. Mayor Ortiz, Jr. stated that he had previously met with them and discussed several options to improve the park.

Councilor Tonita Gurule-Giroń had questions as to when repairs would be made to a wall that was damaged by a truck from the Solid Waste Dept. on Grant Street.

City Manager Dodge advised that Utilities Director Ken Garcia was in the process of hiring a contractor to repair the wall.

EXECUTIVE SESSION

City Manager Dodge advised there was no need for Executive Session.

ADJOURN

Councilor Gurule-Giroń moved to adjourn. Council Howell seconded the motion. Mayor Ortiz, Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David L. Romero	Yes	Joey Herrera	Yes
Vince Howell	Yes	Tonita Gurule Giroń	Yes

Recorder Maire Lopez re-read the motion and advised that the motion carried.

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Casandra Fresquez, City Clerk