

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING ON THURSDAY, JANUARY 19, 2012 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: Tonita Gurule-Giroñ
Diane Moore
Andrew Feldman
David L. Romero

ALSO PRESENT: Tim Dodge, City Manager
Casandra Fresquez, City Clerk
Dave Romero, City Attorney
Christian Montano, Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz asked for a moment of silence for appreciation of the positive attitude that he has asked from the community.

APPROVAL OF AGENDA

Mayor Ortiz, Jr. requested to remove the proclamation for Junio Lopez as he is waiting for the family to propose a date that would be recognized as Junio Lopez day. City Manager Dodge advised that he did not have a proposed consent agenda, however, he requested to move Business Items one and two earlier in the meeting, moving business item two after approval of the minutes followed by business item one as there are consultants that are from out-of-town. Councilor Feldman moved to approve the agenda with proposed changes. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Tonita Gurule-Giroń	Yes
Andrew Feldman	Yes	Diane Moore	Yes

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

APPROVAL OF MINUTES

Councilor Gurule-Giron moved to approve the December 8, December 12 and December 21, 2011 minutes. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Diane Moore	Yes
Andrew Feldman	Yes	David Romero	Yes

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

Business Item 2

2. Approval of Fiscal Year 2010 Audit.

Finance Director Pamela Marrujo stated that it is required by the State of New Mexico Office of the State Auditor that the 2010 audit report be presented to a quorum of the agency’s governing authority at a public meeting for approval.

Finance Director Marrujo introduced the representatives from Moss Adams, LLP, Mr. Chris Garner and George Seus who presented the City of Las Vegas audit report for the 2009-210 Fiscal Year.

Mr. Garner gave a brief explanation as to what their process entails. Mr. Garner stated as a result of their audit for 2010, they gave a disclaimer of opinion which means that because of the breakdown in the internal controls and the findings that are included in the City’s financial statements, they were not able to find sufficient audit evidence to give an opinion that the numbers in the financial statements were materially correct.

Mr. Garner added that during the 2010 audit, there were a total of forty findings including Housing, some were old and some were new and nineteen of those findings from previous years that have been resolved.

Mr. Garner concluded his report by giving a status update of where they are at with the 2011 audit which began in December of 2011 and added that the reconciliations were performed more timely this year and things are in better order. Mr. Garner advised that the field work should be done by this month and anticipates completion by March 31, 2012.

Councilor Gurule-Giron asked if there was a corrective action plan as required by state statute.

Mr. Garner stated that the corrective action plan is included in after each finding which is a managers thought which takes the place of the corrective action plan.

Councilor Feldman moved to approve the Fiscal Year 2010 audit. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	David Romero	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Yes

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

City Manager Dodge asked City Attorney Dave Romero to step down from his seat and allow alternate City Attorney Flora Gallegos to fill in for the next business item as it involves City Attorney Romero.

1. Approval/Disapproval of City Attorney's Contract.

City Manager Dodge recommended approval of City Attorney Romero's contract as it will allow for continuity.

Councilor Gurule-Giron asked if the city attorney's contract had expired in April and if so why it was not brought to Council at that time.

City Manager Dodge stated that his contract did expire at that time City Attorney Romero continued to be an employee and that time City Manager Dodge was working with some issues in regards to contracts for all directors.

Councilor Gurule-Giron stated she would like to see and is recommending the contract be given to City Attorney Romero beginning from last April when it expired through the upcoming month of April 2012 not binding future successors of the governing board.

Mayor Ortiz, Jr. stated he felt very comfortable with the attorney having a year contract for continuity.

City Manager Dodge requested that legal counsel give her legal opinion if she feels the contracts are legal or binding future governments according to the Bateman act.

Attorney Flora Gallegos stated she reviewed both the contract and the Bateman act as well as several cases and Attorney General's opinions and advised that as

long as the contract can be paid within the current fiscal year's funding; it satisfies the requirement of the Bateman act.

City Manager Dodge added that on the contract it does state that Council has an obligation to set aside funds to satisfy the Bateman Act, so on the next business item, the City is requesting appropriations of funds into a Special Fund to satisfy those contracts.

Councilor Gurule-Giroń stated she felt it was a violation of the charter to issue contracts to department directors as they are at will employees.

City Manager Dodge stated that the director contracts do not conflict with either the current charter or the new charter as the governing body can still terminate directors; it discourages termination without cause.

Councilor Feldman moved to approve City Attorneys Contract. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	David Romero	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	No

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

MAYOR'S RECOGNITION/PROCLAMATIONS

Mayor Ortiz, Jr. recognized the City of Las Vegas Retirees who retired in the last six months to include Henry Lucero, Stephen Tafoya, Steve Encinias, Richard Cordova, Lori Gonzales, Edwina Gallegos and John Castellano. Mayor Ortiz, Jr. honored them with a plaque and thanked them for all their years of service.

Mayor Ortiz, Jr. also recognized City Clerk Fresquez and Deputy Clerk Maire Lopez for their recent certifications as certified municipal clerks.

PUBLIC INPUT

Mr. Salvador Higgins mentioned that he will continue to search and pray for water as the community is dry and it appears that it will continue to be dry for another year.

Mr. Bob Wessely pointed out that the City's well being depends on the City's ability to demonstrate reliable water delivery and the governing body will need to step up to the plate and deal realistically with the costs to repair the City's unreliable water supply which will include revising the water rates accordingly.

CITY MANAGER'S INFORMATIONAL REPORT

Finance Report

Finance Director Pamela Marrujo stated the finance report is for the month ending December 31, 2011. Finance Director Marrujo stated that fifty percent of the year has lapsed and the General Fund revenues are at forty six percent, expenditures are at forty five percent. The Enterprise fund revenues for Waste Water are at forty four percent, Natural Gas at thirty eight percent, Solid Waste at fifty three percent and Water at forty eight percent with an overall of forty five percent. On the expenditure side Waste Water is at forty five percent, Natural Gas at thirty two percent, Solid Waste at forty four percent, Water at forty four percent with an overall of thirty nine percent.

Finance Director Marrujo reported the Recreation Department has collected an overall of forty six percent in revenues and fifty three percent in expenditures.

City Manager Dodge requested Community Development Director Elmer Martinez give an update on some of the efforts the City has made in working with the Chamber of Commerce, the Las Vegas Marketing Collaborative and the committee that's been formed under the chamber.

Community Development Director Martinez stated that the Chamber of Commerce and the Lodgers Tax Board have started to work collaboratively and with direction from City Manager Dodge have formulated a committee under the Chamber that would bring in representatives from these organizations that had issues with some of the processes the chamber was taking. The Committee consists of representatives from Las Vegas First, Sustainable Las Vegas, MainStreet, CCHP, North/South Games, Arts Council and Farmers Market.

Community Development Director Martinez added that he along with Ms. Fenzi with the Chamber and Lindsey Hill, City events coordinator would be the advisors to the committee as they work on the tasks that were outlined; one of the primary tasks being media and marketing as well as improving the website and the community calendar.

Community Development Director Martinez concluded his report by stating that the committee had their first meeting and it was a positive meeting with everyone communicating and feels there will be positive initiatives moving forward.

City Manager Dodge advised Council that he would be having a series of informational workshops to educate candidates and the public on the various forms of government, the City's current Charter, the roles and responsibilities of the elected officials as well as the City Manager, City Attorney and Department Directors. The informational workshops will also include the mission statement, the budgeting process, and the auditing process, planning processes that are

implemented within the organization, implementation processes and finally the City Code. City Manager Dodge advised the informational workshops would be on January 23, 2012, January 30, 2012 and February 6, 2012 at 5:30 p.m. in the City Council Chambers.

City Manager Dodge requested Utilities Director Garcia to give an update on water projects in his department.

Utilities Director Ken Garcia reported that Taylor Well 2 drilling was completed the first week of January 2012 and added that it was drilled 970 feet and tested for water quality and production and are ready to begin design based on the water quality and pumping results. Once design is completed, it will be submitted to the New Mexico Engineers Office for their approval and based on that will go to procurement and construction.

Utilities Director Garcia advised Council that the Utilities Advisory Committee would be going on a tour of Taylor Well 2 and would be happy to arrange a tour for the Council if they would like to see the progress.

Utilities Director Garcia reported on the PNM tank project which will be used for effluent storage for Rodriguez Park and advised that the lease agreement was signed today by PNM and will be meeting the following week to discuss the cleaning, testing and piping modifications to make the tank ready for the effluent system.

Utilities Director Garcia reported that work is being done on the Airport line as there is a leak on the line which require a construction contractor to come in and make the repairs and the service will need to be shut off during those repairs as the line is a dead end line and engineer is predicting a five day outage. The City is looking at a couple of scenarios in order to provide fire protection to those affected customers; one working with the County about a storage tank that the County owns which would need to be refurbished and utilize it temporarily for fire protection. Utilities Director Garcia added that more surveys will be conducted on the line to see if temporary repairs can be made, however a plan will need to be established to minimize the outages for the customers.

Utilities Director Garcia also reported on the pump back system in which the design is complete and has been reviewed by the environmental department and project will be bid out within the next month.

Utilities Director Garcia advised that they continue to keep Taylor Well 4 off which allows the department to evaluate the recovery of the aquifer as well as perform maintenance on the well. Utilities Director Garcia advised that the City is at ninety four percent storage with the run off which is due to the increased efficiency of the diversion dam.

Utilities Director Garcia reported on the Peterson Dam engineering for the enlargement project in which negotiation continues with URS who was awarded the RFP. The City currently has a P-Tab Advisor who is an engineer advising the City on negotiations and expects to come to Council next meeting with a recommendation to enter into an agreement for that project.

Utilities Director Garcia advised that the Water Trust Board had recommended Taylor Well 7 desalination and Peterson Dam construction for funding each for 3.5 million dollars. The next step is legislative appropriation and the City is hopeful that the Legislature fully appropriates the projects that were recommended by the Water Trust Board so that the City can get these projects partially funded through Water Trust Board funding.

Utilities Director Garcia reported that today he submitted a grant application for 1.5 million dollars to the Bureau of Reclamation for the Water Smart grant and received letters of support for that grant application from the Federal Congressional Delegation, from Governor Martinez and the State Legislative members.

Mayor Ortiz, Jr. requested that the letters of support be read from the Congressional Delegation and from Governor Martinez.

City Clerk Fresquez read both letters of support which both stated support for the application to the Bureau of Reclamation for a Water Smart grant in the amount of 1.5 million dollars and expressed how critical the water situation is in the City of Las Vegas and support both the short term and long term water issues.

Utilities Director Garcia reported that earlier in the week he met with the Governor Chief of staff to request that the state declare an emergency due to the drought and that emergency declaration is key to being able to lobby for federal funding. Utilities Director Garcia added that he received good news from the Governor Chief of staff in that they are still working on it as there was a change of the State Engineer and once he has familiarized himself with the drought situation they will then be able to issue the drought declaration.

Councilor Moore requested a list of the water grants the City has applied for and have been awarded.

City Manager Dodge concluded his report by advising Council that Las Vegas Night will be held on January 26, 2012 and he would distribute legislative packages to Council so that they may lobby on behalf of the City and also extended an invitation to Council to attend the New Mexico Municipal Day.

OUT OF STATE TRAVEL

Approval/Disapproval for Out of State Travel for Jeff Rudolph to attend the Municipal Forestry Institute to be held February 19-24, 2012 in Nebraska City, NE.

Public Works Director Carlos Ortiz requested out of state travel for Jeff Rudolph to attend the Municipal Forestry Institute on February 19 through the 24th in Nebraska City, Nebraska, Public Works Director Ortiz advised as per the MOU with Tierra Y Montes Soil and Water Conservation District that the City would provide travel, transportation and paid time as in-kind match for the granted project and grant funds will be used to pay tuition for this training, lodging and food during training session.

Councilor Moore moved to approve the out of state travel for Mr. Rudolph. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Stepped Away

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

NEW HIRES

1. Approval/Disapproval to hire two (2) part-time lifeguards for the swimming pool at the Recreation Center. **Loretta Martin, Recreation Manager**

Recreation Manager Loretta Martin requested approval to hire Ms. Jazmine Harge and Ms. Jena Schartz for part- time lifeguards.

Councilor Feldman moved to approve both hires. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Diane Moore	Yes
David Romero	Yes	Tonita Gurule-Giroń	Stepped Away

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

2. Approval/Disapproval **Confirmation of the hiring** of Temporary Status employee for the position of Packer Driver III/Transport. **Ken Garcia, Utilities Director**

City Manager Dodge pointed out that in the Personnel Policy, it allows for emergency hires and there was a situation that called for a hire, therefore the request is for confirmation of the hire.

Utilities Director Garcia added that the hire has not yet happened and that would be pending the pre-employment requirements and further explained that there was a need for this hire due to an illness with one of the packer drivers who does the hauling over to the landfill and will be out for approximately two months.

City Manager Dodge requested that Council amend the action from confirmation of the hiring to conditionally hire.

Councilor Feldman moved to conditionally hire under temporary status for the position of Packer Driver III/Transport. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Andrew Feldman	Yes
David Romero	Yes	Diane Moore	Yes

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

BUSINESS ITEMS

3. Approval/Disapproval of Resolution 12-01 Budget Adjustment to increase the FY 2012 budgeted revenues and expenditures within various funds.

Finance Director Marrujo requested approval of Resolution 12-01 mid year adjustments to FY 2012 budget increasing revenues and expenditures within various funds.

Councilor Gurule-Giroń had various questions on the increased expenditures, revenues and transfers which were clarified by Finance Director Marrujo and City Manager Dodge.

Councilor Feldman moved to approve Resolution 12-01. Councilor Moore seconded the motion.

Resolution 12-01 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
BUDGET ADJUSTMENT RESOLUTION NO. 12-01

WHEREAS, The governing body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget for fiscal year 2012, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) and out in 101, 216, 220, 260, 277, 330, 545, 610, 613, 617 and 646;

Increase revenues, expenditures and transfer (in) in CDBG Funds (277) – Increase revenues in the amount of \$351,967 for a CDBG Grant, increase transfers (in) in the amount of \$65,709 and increase expenditures in the amount of \$417,676 for the purpose of constructing a pump back system located near Montezuma to alleviate the leaking of the Peterson Dam;

Increase revenues and expenditures in Waste Water Construction (613) – Increase revenues and expenditures in the amount of \$330,000 for the purposes of construction in the replacing of existing, potable irrigation service lines at the Rodriguez Park Baseball Fields with new reuse/effluent irrigation lines to conserve drinking water. Revenues consist of NMFA Loan amount of \$132,000 and Water Trust Board Grant in the amount of \$198,000;

Increase revenues, expenditures and transfers out in Water GRT (646) – Increase revenues and expenditures in the amount of \$1,546,162 for the purposes of construction in the replacing of a defunct groundwater well located in the Taylor Well field. Revenues consist of NMFA Loan amount of \$618,465 and Water Trust Board Grant amount of \$927,697, transfers out to CDBG Funds (277) in the amount of \$65,709 to be funded from unbudgeted cash balance;

Increase expenditures in General Fund (101)- Increase expenditures in the amount of \$840,000 for the safety officer, attorney fees and salary contingency to be funded by unbudgeted cash balance;

Increase transfers (in) in General Fund (101)- Increase transfers (in) in the amount of \$70,000 from Utility Administration for Salary Contingency;

Increase transfers (out) of Utility Administration (545)- Increase transfers (out) to General Fund (101) in the amount of \$70,000 for salary contingency;

Increase expenditures in Streets Fund (216)- Increase expenditures in the amount of \$80,000 to pay for sidewalk improvements to be funded by unbudgeted cash balance;

Increase revenues and expenditures in Capital Projects (220)- Increase expenditures in the amount of \$45,000 to fund roof repair and heating system for the animal shelter and concrete pad and utility connections for the crematory to be funded by unbudgeted cash balance from General Fund (101) and a donation from the animal welfare coalition in the amount of \$10,000;

Increase transfers (in) Capital Projects (220)- Increase transfers (in) from General Fund (101) in the amount of \$35,000;

Increase transfers (out) of General Fund (101)- Increase transfers (out) of General Fund to Capital Projects (220) in the amount of \$35,000;

Decrease revenues in WIPP (260)- Decrease revenues in the amount of \$6,000 as the revenues were collected in FY 2011;

Increase revenues and expenditures in Recreation GRT (330)- Increase revenues and expenditures in the amount of \$6,500 for administrative fees;

Increase expenditures in Utility Administration (545)- Increase expenditures in the amount of \$18,000 for a customer service manager to be funded by unbudgeted cash balance;

Increase expenditures in Waste Water Fund (610)- Increase expenditures in the amount of \$115,000 to cover additional PNM bills to be funded by unbudgeted cash balance and a transfer in from Waste Water Debt Service (617);

Increase transfers (in) Waste Water Fund (610)- Increase transfers (in) from Waste Water Debt Service (617) in the amount of \$15,000;

Increase transfers (out) in Waste Water Debt Service (617)- Increase transfers out in the amount of \$15,000 to be funded by unbudgeted cash balance;

WHEREAS, the City of Las Vegas is in need of making adjustments in the 2012 fiscal year budget;

WHEREAS, it is the majority opinion of this Council that the budget adjustments meets the requirements as currently determined for fiscal year 2012

NOW, THEREFORE, the Governing Body of the City of Las Vegas passes this budget resolution for budget adjustments, **PASSED, APPROVED AND ADOPTED THIS** _____ of January, 2012.

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero, City Attorney

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

Tonita Gurule-Giroń	Yes	Andrew Feldman	Yes
David Romero	Stepped Away	Diane Moore	Yes

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

4. Approval/Disapproval of Resolution 12-02 Establishing Reasonable Notice of City Council Meetings in compliance with the Open Meetings Act.

City Clerk Fresquez stated that the Open Meeting Act requires adoption or Resolution annually establishing reasonable notice of City Council Meetings as well as other committee meetings and mentioned the proposed resolution is the same as the current resolution.

Councilor Gurule-Giron mentioned that she found an error in the time and place of the Film Commission Meeting which should be at 4:00 p.m. at the City Council Chambers.

City Clerk Fresquez stated she would make that correction on the resolution.

Councilor Moore moved to approve Resolution 12-02. Councilor Gurule-Giron and Councilor Feldman seconded the motion.

Due to the length of Resolution 12-02 a complete copy may be obtained from the City Clerk's Office.

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

Diane Moore	Yes	Andrew Feldman	Yes
David Romero	Yes	Tonita Gurule-Giroń	Yes

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

5. Approval/Disapproval of recommended Legislative Priorities for the 2012 Legislature.

Community Development Director Elmer Martinez advised the following projects were recommended for submittal as legislative priorities: Water System Improvements/Storage (Water Treatment Plant/Taylor Well Field); Water Storage Capacity (Storage Dams, Conveyance Systems, Tanks Rehabilitation); Valencia Parking Lot Improvements; Public Safety Equipment (Police & Fire) and Rehabilitation of old City Hall as an Economic Development Center.

Community Development Director Martinez mentioned some of the projects listed under each of the priorities.

Councilor Feldman moved to approve the recommended Legislative Priorities for the 2012 Legislature. Councilor Romero and Councilor Gurule-Giroń seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Diane Moore	Yes
David Romero	Yes	Tonita Gurule-Giroń	Yes

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

6. Approval/Disapproval to publish Ordinance No. 12-02 City of Las Vegas Anti-Tethering Ordinance.

Councilor Andrew Feldman stated he felt very strongly about this ordinance as he is advocating for the canines that do not have a voice. Councilor Feldman added that tethering has been found to be inhumane and owners of pets should be responsible in treating their pets with the kindness they deserve and asked Council for their consideration to Publish Ordinance 12-02.

Mayor Ortiz, Jr. asked how the liability issue was addressed.

Councilor Feldman stated that in the City Code, the dog owners are responsible for the animal if it bites somebody. The ordinance will take affect one year from the date of passage and during the interim time the City will undertake a campaign to educate the public on the items in the ordinance and safe keeping of animals.

Councilor Feldman added that there are provisions in the ordinance that allow you to tie your dog up, however the tether would need to be long enough or on a pulley system where they have enough room to move around.

City Manager Dodge stated he would ask the Police Chief and the Finance Director to take a look at financial impact as well as the process of implementation prior to the next public hearing.

Councilor Gurule-Giron moved to approve publication of Ordinance 12-02. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giron	Yes	Diane Moore	Yes
David Romero	Yes	Andrew Feldman	Yes

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

7. Approval/Disapproval to publish Ordinance No. 12-03 Las Vegas Dark Sky Ordinance.

Councilor Andrew Feldman stated that The State of New Mexico has passed the Night Sky Protection Act and this ordinance would bring the City of Las Vegas into compliance. Councilor Feldman pointed out that there are a number of street lights that are too bright and there are a number of ways that we can dim the night sky and still maintain security as well as saving on electrical bills.

Councilor Feldman pointed out that the community can have a better view of our night sky and also maintain security and asked Council to consider approval of the publication of Ordinance 12-03.

Councilor Moore stated she was in support of the ordinance, however wanted to make sure that the City has the means to enforce this ordinance as well as the

anti-tethering ordinance with all the other duties that code enforcement is responsible for.

Councilor Feldman added that this ordinance will affect lights that are 400 watt and PNM is supposed to work with the City as per the Night Sky Protection Act and most of the lighting will be with the city streets and not so much with the residential community.

Councilor Gurule-Giron asked if there were any grants that may be available to assist.

City Manager Dodge stated he would look into possible grants that may be available.

Councilor Moore moved to approve the publication of Ordinance 12-03. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	Tonita Gurule-Giroń	Yes
David Romero	Yes	Andrew Feldman	Yes

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

Mayor Ortiz, Jr. asked why the Community Water Rights Ordinance was not on the agenda as he expected it to be on as per conversation with City Attorney Romero.

City Attorney Romero stated he was still working on it and would have it completed by next Council Meeting.

8. Approval/Disapproval of Resolution 12-06 requiring approval from the City Manager on adjustments made to utility bills in the amount from \$1,000 to \$50,000.

Utilities Director Garcia stated this resolution will require the City Manager with the recommendation of the Utilities Director to approve all adjustments made to utility bills in the amount from \$1,000 to \$50,000 and all billing beyond that will require Council's approval. Utilities Director Garcia stated the resolution formalizes the practices that have been in place and is a recommendation from the auditors to have clear limits of the authority.

Councilor Gurule-Giroń had some concerns and feels that the adjustments should be brought to Council for transparency advising them as to what type of adjustments and justification of such adjustments.

Utilities Director Garcia stated that all records of adjustments are kept on file and could provide a report to Council of those adjustments, however going through each adjustment at a Council Meeting would be difficult.

Councilor Feldman stated that the Councilors job as a governing body is to make decision on policy brought forth by the City staff and the staff should ensure that day to day issues are being addressed. Councilor Feldman stated perhaps a quarterly report could be presented to Council.

City Manager Dodge stated there are internal controls in place at different levels and this resolution is simply asking to formalize practices that have been in place and if there is a report that Council would like to see then he would agree to provide such report.

Councilor Feldman moved to approve Resolution 12-06. Councilor Moore seconded the motion.

Resolution 12-06 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION NO. 12-06

A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, REQUIRING APPROVAL BY THE CITY MANAGER AND FINANCE DIRECTOR OF ADJUSTMENTS MADE TO UTILITY BILLS FROM \$1,000.00 TO \$50,000.00.

WHEREAS, this resolution will establish controls over the utility billing process as recommended by auditors; and

WHEREAS, there are instances where customer accounts need to be adjusted due to billing errors, disputed utility bills, leaks, etc.; and

WHEREAS, the City Manager and Finance Director are required to make a determination as to the necessity of the adjustment; and

WHEREAS, written documentation is required for all customer adjustments; and

WHEREAS, the Utilities Director will make a recommendation to the City Manager on adjustments from \$1,000.00 to \$50,000.00; and

WHEREAS, adjustments for under \$1,000.00 are approved by the Utilities Department; and

WHEREAS, adjustments over \$50,000.00 will have to be approved by the governing body; and

WHEREAS, this resolution establishes a dollar threshold for approval levels for the City Manager and Finance Director;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas that the City Manager and Finance Director are authorized to approve adjustments from \$1,000.00 to \$50,000.00.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____.

CITY OF LAS VEGAS

By _____
Mayor Alfonso E. Ortiz, Jr.

(Seal)

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero Jr., City Attorney

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

David Romero	Yes	Diane Moore	Yes
Tonita Gurule-Giroń	Yes	Andrew Feldman	Yes

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

9. Approval/Disapproval of Resolution 12-03 assigning official representatives and signatory authority for the Clean Water State Revolving Fund agreement 016.

Utilities Director Garcia stated that the resolution is required by the funding agency to assign representatives and signatory authority for the grant when the agreement is drafted for the Clean Water State Revolving Fund agreement 016.

Councilor Feldman moved to approve Resolution 12-03. Councilor Romero and Councilor Moore seconded the motion.

Resolution 12-03 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION NO. 12-03

A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, AUTHORIZING THE ASSIGNMENT OF OFFICIAL REPRESENTATIVES AND SIGNATORY AUTHOURITIES

WHEREAS, the Governing Body of the City of Las Vegas, County of San Miguel of the State of New Mexico shall enter into a Loan Agreement with the State of New Mexico Environment Department; and

WHEREAS, the agreement is identified as CWSRF 016 ; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas that: Mayor Alfonso E. Ortiz Jr. or his/her successor is authorized to sign the agreement for this project, and

Timothy P. Dodge, City Manager or his/her successor is the OFFICIAL BORROWER REPRESENTATIVE who is authorized to submit any documents pertaining to the project and act as the single point of contact, and

Pamela Marrujo, Finance Director is the SIGNATORY AUTHORITY who is authorized to sign reimbursement requests and other documents requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20____.

CITY OF LAS VEGAS

By _____
Mayor Alfonso E. Ortiz, Jr.

(Seal)

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero Jr., City Attorney

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

Andrew Feldman	Yes	Diane Moore	Yes
Tonita Gurule-Giroń	Yes	David Romero	Yes

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

10. Conduct a public hearing and Approval/Disapproval of application for Transfer of Ownership of Liquor License for Ray's Liquor.

City Clerk Fresquez requested to go into Public Hearing.

Councilor Feldman moved to go into Public Hearing. Councilor Gurule-Giroń seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	Diane Moore	Yes
Andrew Feldman	Yes	David Romero	Yes

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

City Attorney swore in individuals who wanted to speak regarding the issue to include City Clerk Casandra Fresquez.

City Clerk Casandra Fresquez stated that applicant Mr. Gilbert Varela, Sr. has requested a transfer of ownership of liquor license for Ray's Liquor Store located at 2620 Hot Springs Blvd., Las Vegas, NM 87701 Application #794310 and all zoning and publication requirements have been met.

Councilor Feldman moved to Close Public Hearing. Councilor Gurule-Giroń seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	David Romero	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Yes

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

Councilor Feldman moved to approve Transfer of Ownership of Liquor License for Ray's Liquor Store. Councilor Gurule-Giroń seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Yes

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

COUNCILORS REPORTS

Councilor Feldman stated the Las Vegas Community Water Board had scheduled a meeting for tomorrow at NMHU Kennedy Hall at 1:00 p.m. which has been cancelled and will be moved to mid or late March 2012. Councilor

Feldman added that the Community Water Board held their annual meeting last night and their officers were re-elected. Mr. Bob Wessely-Vice President, Mr. Bruce McAllister – Treasurer and Andrew Feldman – President.

Councilor Feldman advised that the Community Water Board will be sponsoring a candidate forum dealing strictly with water issues and is set tentatively for February 1st and 2nd, 2012 at Memorial Middle School.

Councilor Feldman advised there was a planning and zoning issue with property on the corner of 8th Street and Friedman Avenue and residents in that area are very concerned and hopes that the item gets on the agenda for review.

Councilor Feldman concluded his report by requesting from the Governing Body that when the election process begins and absentee ballots are being issued that they audit the absentee ballots to check that the voters are still here or still alive.

City Manager Dodge stated that on the planning and zoning process, there may be an appeal process and the capacity that the Governing Body serves in at that time has to be carefully handled. City Manager Dodge asked Community Development Director Martinez to explain the process.

Community Development Director Martinez stated that any matters coming before City Council regarding planning and zoning issues whether it be an appeal or zone change because Council does operate as the quasi-judicial body in those cases should be handled carefully in that they should speak to Community Development about any questions or information on the issue.

Mayor Ortiz, Jr. commended the Water Board and the number of people that volunteer and a special thanks to Andrew Eagan with Highlands University as he's taking the lead in addressing the problems with the water shed including communication with all the different entities in the community.

Mayor Ortiz, Jr. advised that there was a reason for the removal of the maple trees on Douglas as they were too big and didn't have the proper root system. Mayor Ortiz, Jr. added that prior to the trees being cut, the Tree Board made the recommendation and they are planning on planting the proper trees for that area.

EXECUTIVE SESSION/CLOSED SESSION

There were no items for Executive Session.

ADJOURN

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

Tonita Gurule-Giroń
Diane Moore

Yes
Yes

David Romero
Andrew Feldman

Yes
Yes

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



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez
City Clerk