

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING  
ON MONDAY, DECEMBER 12, 2011 AT 9:00 A.M. IN THE CITY COUNCIL  
CHAMBERS**

**MAYOR:** Alfonso E. Ortiz, Jr.

**COUNCILORS:** Mayor Pro-Tem Andrew Feldman  
Tonita Gurule-Giroń  
Diane Moore  
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. Jr. Ortiz called the Special Council Meeting to order at 9:00 a.m.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Ortiz, Jr. asked for a moment of silence in appreciation of life and remembrance of faith and better expectations for society.

**APPROVAL OF AGENDA**

Councilor Moore moved to approve the agenda. 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	Andrew Feldman	Yes
Tonita Gurule-Giroń	Yes	David Romero	Yes

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

**PUBLIC INPUT**

Mr. Bruce McAllister stated that water is a critical issue to survival and growth and the City has done a wonderful job this last year in its conservation efforts and as a result the storage of water has increased tremendously. Mr. McAllister encouraged all Councilors to approve the applications for funding so that the City may continue to move forward.

**BUSINESS ITEMS**

1. Approval/Disapproval of Resolution 11-78 to submit application for financial assistance to the New Mexico Finance Authority for the Automated Meter Reading Project.

Utilities Director Ken Garcia stated that there were a few changes made as per the discussion and direction of the last council meeting to include removal of “project approval from the action item and only listed the number of water meters on page 2, paragraph three and changed the month listed on page five from November to December and finally on page six, changed the sentence from “rates will be increased over the next three years” to “The rates may be increased over the next three years”.

Councilor Feldman moved to continue business items one and two from the previous council meeting. 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	Andrew Feldman	Yes
Tonita Gurule-Giron	Yes	Diane Moore	Yes

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

Councilor Feldman moved to approve Resolution 11-78. Councilor Moore seconded the motion.

Resolution 11-78 was presented as follows:

**CITY OF LAS VEGAS  
RESOLUTION NO. 11-78**

**A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO FINANCE AUTHORITY**

WHEREAS, the City of Las Vegas (“Borrower”) is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21A-1 *et seq.*, NMSA 1978 (“Act”), and

the City of Las Vegas (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Borrower; and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Drinking Water State Revolving Loan Fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Authority for drinking water projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of the Automated Meter Reading Project (“Project”) for the benefit of the Borrower and its citizens (or members as applicable); and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be hereby ratified, approved, and confirmed.

Section 2. That the completed Application submitted to the Governing Body be hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

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

Councilor Gurule-Giroń read a statement she prepared which referenced her concerns about the application for financial assistance to include the lack of rate structure in place and substantive financials to ensure that the City would be able to repay the loan. Councilor Gurule-Giroń also had concerns about a preliminary engineering estimate to include all quantitative units for both proposed resolutions that she requested from City Manager Dodge and had not yet received. Councilor Gurule-Giroń further had concerns about the proposed water line replacement list and does not understand why the board is rushing through the process when there is not a deadline in place for this application. Councilor Gurule-Giroń concluded by stating her concerns were related to the fiduciary responsibilities as a governing board member to her constituents.

City Manager Dodge stated a few inconsistencies in Councilor Gurule-Giroń's statement and requested that Mayor and Council text all messages to his city phone and not to his personal phone for all city business.

Utilities Director Garcia stated that an application is different than a signed agreement as an agreement that is signed obligates the City for repayment for a loan and at this time he is only asking Council for approval on the application for funding which the City may or may not receive and between now and the time that the loan is considered there will be a financial analysis that will be completed by the City and the financial agency which will be provided to Council.

Councilor Moore stated that as individuals of the governing body, she felt like some of them had over stepped their boundaries when they continue to go beyond the City Manager and inquire about information rather than going to the City Manager for answers to their questions.

Mayor stated that both of the items on the agenda should be approved as they are applications for funding which fifty percent would be a grant and the other fifty percent would be a loan and have nothing to do with a rate increase.

Mayor Ortiz Jr. called for the question. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised Mayor Ortiz, Jr. there was a tie vote.

Mayor Ortiz, Jr. voted Yes.

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

4. Approval/Disapproval of Resolution No. 11-79 to submit application for financial assistance and project approval to the New Mexico Finance Authority for the Distribution Line Replacement Project.

Utilities Director Garcia stated that the changes were made to the application as stated at the last Council meeting which were similar to the previous item and the amount of the application was changed to 3.3 million instead of 3.1 million which was an error on his part.

Councilor Feldman moved to approve Resolution No. 11-79. Councilor Moore seconded the motion.

Resolution 11-79 was presented as follows:

CITY OF LAS VEGAS  
RESOLUTION NO. 11-79

A RESOLUTION OF THE CITY OF LAS VEGAS, NEW MEXICO, AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE TO THE NEW MEXICO FINANCE AUTHORITY

WHEREAS, the City of Las Vegas (“Borrower”) is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21A-1 *et seq.*, NMSA 1978 (“Act”), and the City of Las Vegas (“Governing Body”) is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Borrower; and

WHEREAS, the New Mexico Finance Authority (“Authority”) has instituted a program for financing of projects from the Drinking Water State Revolving Loan Fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application (“Application”) for financial assistance from the Authority for drinking water projects; and

WHEREAS, the Governing Body intends to undertake acquisition, construction and improvement of the Distribution Line Replacement Project (“Project”) for the benefit of the Borrower and its citizens (or members as applicable); and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Las Vegas:

Section 1. That all action (not consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be hereby ratified, approved, and confirmed.

Section 2. That the completed Application submitted to the Governing Body be hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

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-Giron	No	David Romero	No

City Clerk Fresquez advised Mayor Ortiz, Jr. there was a tie.

Mayor Ortiz, Jr. stated that all the other Councilors had given their opinions on the projects and asked Councilor Romero why he had objected to these projects.

Councilor Romero stated that he voted no and that was that.

Mayor Ortiz, Jr. voted Yes.

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

**EXECUTIVE SESSION**

City Manager Dodge stated there were no items for Executive Session.

**ADJOURN**

Councilor Feldman made a motion to adjourn. 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	David Romero	Yes
Diane Moore	Yes	Andrew Feldman	Yes

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

  
 \_\_\_\_\_  
 Mayor Alfonso E. Ortiz, Jr.

ATTEST:

  
 \_\_\_\_\_  
 Casandra Fresquez, City Clerk