

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING ON WEDNESDAY, DECEMBER 21, 2011 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR: Alfonso E. Ortiz, Jr.

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

ALSO PRESENT: Tim Dodge, City Manager
Casandra Fresquez, City Clerk
Dave Romero, City Attorney
Juan 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 that the community will work together and stay positive and thankful for the recent moisture the community has received.

APPROVAL OF AGENDA

City Manager Dodge recommended that Business Item fifteen be moved to Business Item three and Business items three, four, five, six, seven, ten, eleven and twelve be included on proposed consent agenda. Councilor Feldman moved to approve the agenda with proposed changes by City Manager Dodge. 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	Yes	David Romero	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 September 27, 2011, November 2, 2011, November 16, 2011 and November 22, 2011 minutes with amendments to minutes of November 2, 2011, page four noting that Councilor Gurule-Giron advised the City Manager prior to the workshop that she would need to leave early and amendments to November 16, 2011 minutes, page five, third paragraph four, stating that “she commended administration for the hire as Mr. Marlow is incredibly qualified for the position.” 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	Yes

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

MAYOR’S RECOGNITION/PROCLAMATIONS

Recreation Manager Loretta Martin recognized and distributed certificates to the Tony Marquez fitness challenge winners in the various age groups.

Mayor Ortiz, Jr. recognized and thanked Mr. Manuel Flores, employee for the City of Las Vegas for his outstanding performance for the many years of service to the City of Las Vegas as Mr. Flores was recognized as employee of the quarter.

MAYOR’S APPOINTMENTS

Mayor Ortiz, Jr. requested Council to ratify the appointment of Mr. Tom Huie to the City of Las Vegas Planning & Zoning Commission/Board of Adjustments. Councilor Feldman moved to ratify appointment of Mr. Tom Huie. Councilor Romero 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.

Mayor Ortiz, Jr. requested Council to ratify the appointment of Ms. Ofelia Martinez to the City of Las Vegas Housing Committee. Councilor Moore moved to ratify appointment of Ms. Ofelia Martinez. Councilor Feldman seconded the

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

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

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

Mayor Ortiz, Jr. requested Council's approval to appoint Mrs. Pamela Marrujo to Finance Director and stated that City Manager Dodge made the recommendation and he concurs with the recommendation as he has worked with Mrs. Marrujo and feels she will continue to do a good job for the City.

Councilor Feldman moved to ratify the appointment of Mrs. Pamela Marrujo to Finance Director. 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	Tonita Gurule-Giroń	No
Andrew Feldman	Yes	David Romero	Yes

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

PUBLIC INPUT

Mr. Wid Slick stated for the record that he was speaking as 1 of the 150 tourism industry businesses damaged by a Chamber that is trying to do too much. Mr. Slick stated that he felt the Chamber has fallen short of the potential that effective tourism marketing offers and pointed out those areas. Mr. Slick concluded by stating he felt the Marketing Collaborative should do the tourism marketing for the City and County and the Chamber and EDC do the economic development marketing for the City and County.

Mr. Miguel Pacheco pointed out that there is an ordinance that will be proposed in the near future called the Las Vegas Community Water Rights and local self government ordinance which will protect the City's water from outside industries. Mr. Pacheco encouraged Council to consider the Ordinance.

Fire Chief Phillip Mares stated that a Public Safety Committee meeting was recently held and advised that the committee requested that he come before Mayor and Council and express their support for Mr. Collins and his DWI initiative.

Mr. Bob Wessely pointed out the reliability of water supply is a real issue and mentioned one of the biggest risks being a fire in the Gallinas water shed and anything and everything must be done to enhance the reliability of water which means finding other water resources, utilizing less water, fixing leaks so that

water is not being wasted and increasing the storage capacity. Mr. Wessely concluded by encouraging Council to continue moving forward as each step helps to solve the big water issue.

Ms. Kathleen Dudley stated she is from Mora County and they have been working diligently over the years to keep the oil companies from hydraulic fracturing and encourages Council to consider the Las Vegas Community Water Rights and local self government ordinance to protect the life of the people.

PRESENTATIONS

Ms. Cindy Collins with MainStreet de Las Vegas gave a power point presentation on the activities and status of projects identified within the contract.

Mr. Ray Collins began his presentation by telling his story about losing his family members to a drunk driver and since has been aggressive in making the legislators aware of the DWI issue in New Mexico and has been trying to get legislation passed and encourages Council to approve Resolution 11-84 in supporting passage legislation to increase excise tax on alcohol sales which will help in providing education programs.

City Manager Dodge recommended moving Business Item Two for immediate action.

Mayor Ortiz, Jr. requested a motion to the City Managers recommendation.

Councilor Feldman moved to approve City Manager's recommendation to move Business Item Two for immediate action. 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	David Romero	Yes
Diane Moore	Yes	Tonita Gurule-Giroń	Yes

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

2. Approval/Disapproval of Resolution 11-84 supporting passage legislation to increase excise tax on alcohol sales.

Mayor Ortiz, Jr. recommended Council approve Resolution 11-84.

Councilor Moore moved to approve Resolution 11-84. Councilor Gurule-Giroń seconded the motion.

Resolution 11-84 was presented as follows:

RESOLUTION NO. 11-84

MUNICIPALITY OF CITY OF LAS VEGAS
SUPPORTING PASSAGE LEGISLATION TO INCREASE
EXCISE TAX ON ALCOHOL SALES

A RESOLUTION of the City of Las Vegas Supporting passage legislation to increase excise tax on alcohol sales; and

WHEREAS, alcohol misuse and abuse continues to plague New Mexicans and each day lives are lost or destroyed as a direct or indirect result of alcohol consumption; and

WHEREAS, according to a New Mexico Department of Health study, the economic cost associated with alcohol use in New Mexico for the year ending 2006 was \$2.5 Billion which is 26 times greater than the \$97 million revenue collected from alcohol sales in 2006.

Alcohol-related tax revenue covered less than 4% of the economic cost of alcohol abuse; and

WHEREAS, not surprisingly, the economic cost associated with alcohol use and abuse in New Mexico increased by 11% for year ending 2007 to a staggering \$2.8 Billion; and

WHEREAS, the excise tax on alcohol has not been increased to match the devastating trend reflected in the adverse economic impact alcohol has had on New Mexico and Society as a whole; and

WHEREAS, a significant increase in the excise tax is needed to reduce the ongoing subsidization of the economic impact that alcohol has caused and to deter abuse in the consumption of alcohol.

NOW, THEREFORE, BE IT RESOLVED, that the Governing body of the Municipality of the CITY OF LAS VEGAS, State of New Mexico does hereby adopt the resolution in support of Legislation to increase the excise tax as reflected in the attached HB 528 previously filed in the 2009 regular session.

PASSED, APPROVED AND ADOPTED THIS _____ OF DECEMBER 2011.

ALFONSO E. ORTIZ, JR., MAYOR

ATTEST: _____
CASANDRA FRESQUEZ, CITY CLERK

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

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

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

City Manager Dodge recommended that this issue be taken and introduced to the New Mexico Municipal League at the next upcoming session to gain support from the other one hundred and three municipalities in the state.

Mayor Ortiz, Jr. agreed and asked that the item be taken and introduced as soon as possible.

Presentation by Chamber of Commerce

Mr. Matt Martinez, Chairman of the Chamber of Commerce Board made statements regarding the chambers position regarding the statements made by Mr. Wid Slick during public input as well as the article published in the Las Vegas Optic. Mr. Crow, Chamber of Commerce Board member also made a statement that he felt Wid Slick's statements were malicious and not true as Mr. Slick has no idea what the Chamber's goals and objectives are.

Mayor Ortiz, Jr. requested a ten minute break and asked that everyone partake in some refreshments.

Mayor Ortiz, Jr. called the meeting back into order.

CITY MANAGER'S INFORMATIONAL REPORT

City Manager Dodge requested that Utilities Director Ken Garcia give a brief update and overview of the various water projects.

Utilities Director Garcia gave an update on the City's snow pack which at this time reads a snow depth of thirty nine inches in comparison to last year at this time which was eight inches.

Utilities Director Garcia also reported that the Gallinas diversion dam that was completed a couple of months ago was not impacted by the inclement weather therefore the water will continue to be diverted into the storage reservoir. Utilities Director Garcia added that total water storage is at ninety four percent which has allowed for Taylor Well 4 to be turned off for preventative maintenance and mentioned he would like to keep Taylor Well 4 off as it is an emergency well and would then monitor the aquifer recovery on a monthly basis to determine if the well is needed.

Utilities Director Garcia advised that another leak was identified in the distribution system which was about fifty gallons per minute which was on the airport line on the Mellette property and advised that a contractor would need to be brought in to make those repairs due to the materials used on the line; this will be done on an emergency basis to take care of it as soon as possible.

Utilities Director Garcia also advised that drilling has presumed on Taylor Well #2; the pump back system is being worked on and should be completed by April 1, 2012; the enlargement of Peterson Dam project is being negotiated with the engineers for the scope and the fee. Utilities Director Garcia advised that the draft rate study has been reviewed with few revisions and will be forwarded to the

Utility Advisory Committee then will be presented to Mayor and Council for their consideration. Utilities Director Garcia concluded his presentation by reporting that the desalination project will be evaluated after the first of the year as it is a more complex project.

City Manager Dodge advised Council that the Mayor attended the Police Chiefs Association meeting where Police Chief Montano and his police force were honored and received accreditation which was the first time in the City's history.

City Manager Dodge commented on the article published in the Optic regarding the City's 2010 audit in stating that the audit was a fair report and with open government the community should be aware with where the City's at to date and assured Mayor and Council that corrective action is being taken to insure that the deficiencies identified in the audit are being corrected and the City is moving in the right direction as the issues are being addressed and resolved.

Councilor Gurule-Giron asked if the election resolution recently adopted was reflecting the new charter and asked if the City was currently operating under the new charter.

City Manager Dodge stated that the election resolution will be implementing the new charter.

City Attorney Dave Romero stated that as far as the charter is concerned, the City is assuming that the charter is legal and valid and until told differently by a court of law, the City will continue in that direction and the charter calls for a four year term for Mayor, therefore that part of the charter is included initially, but the new charter takes full legal effect shortly after the 2012 election.

Finance Report

Deputy Finance Director Tana Vega stated the finance report is for the month ending November 30, 2011. Deputy Finance Director Vega stated that forty two percent of the year has lapsed and the General Fund revenues are at thirty eight percent, timing differences are property taxes which will come in December as well as License & Fees. Expenditures are at thirty six percent. The Enterprise fund revenues for Waste Water are at thirty six percent, Natural Gas at twenty one percent, Solid Waste at forty four percent and Water at thirty nine percent with an overall of thirty three percent. On the expenditure side Waste Water is at thirty four percent, Natural Gas at twenty two percent, Solid Waste at thirty six percent, Water at thirty six percent with an overall of thirty percent.

Deputy Finance Director Vega reported the Recreation Department has collected an overall of thirty nine percent in revenues and forty four percent in expenditures.

City Manager Dodge concluded his report by thanking Mayor and Council for several items placed on consent agenda and pointed out the purchase of the ten police units which is an investment in the Police Department.

NEW HIRES

1. Approval/Disapproval to hire one (1) Police Officer for the Las Vegas Police Department. ***Christian Montano, Police Chief***

Human Resource Manager Tasha Martinez requested approval to hire Mr. Luis Ortega who is currently a certified police officer and has passed all pre-employment requirements.

Councilor Feldman moved to approve the hire of Mr. Luis Ortega as Police Officer. 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	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Yes

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

2. Approval/Disapproval to hire an Administrative Assistant II for the Human Resource Division. ***Tasha Martinez, HR Manager***

Human Resource Manager Martinez requested approval to hire Ms. Leyette Kugler as an Administrative Assistant II for the Human Resource Division and advised that she has successfully completed all pre-employment requirements.

Councilor Moore moved to approve the hire of Ms. Kugler as Administrative Assistant II. Councilor Gurule-Giroń seconded he 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.

BUSINESS ITEMS

Consent Agenda

City Clerk Fresquez read into the record Business Items to be included under consent agenda:

3. Approval/Disapproval of Revised Job Descriptions for Public Works Director, Community Development Director, Utilities Director, Administrative Assistant I, Administrative Assistant II and Maintenance Worker.
4. Approval/Disapproval of new Communications Manager job description.
5. Approval/Disapproval of New job description for the Information Specialist Supervisor for the Police Department.
6. Approval/Disapproval of Resolution 11-82 authorizing the Las Vegas Police Department to accept funding through the Region IV Justice Assistance Grant Fund.

Resolution 11-82 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 11-82**

A RESOLUTION TO ACCEPT FUNDING THROUGH THE REGION IV JUSTICE ASSISTANCE GRANT FUND.

WHEREAS, the Governing Body of the City of Las Vegas met on December 21, 2011 and discussed the acceptance of the Justice Assistance Grant.

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

The City of Las Vegas, New Mexico on behalf of the Police Department respectfully accepts grant funding through the Region IV Justice Assistance Grant . The amount we were awarded is \$21,653.00 to fund overtime for officers to work drug operations, conduct warrant round ups, gather intelligence and execute search warrants.

DONE this _____ day of _____, 2011.

Mayor
ATTEST:

Cassandra Fresquez, City Clerk

Approved as to Legal Sufficiency Only:

Dave Romero, City Attorney

7. Approval/Disapproval of Resolution 11-80 budget adjustment to increase the FY 2012 budgeted revenues and expenditures within various funds.

Resolution 11-80 was presented as follows:

MUNICIPALITY OF CITY OF LAS VEGAS
BUDGET ADJUSTMENT RESOLUTION NO. 11-80

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 and expenditures in Funds 101, 203, 207, 215, 253, 237 and 262;

General Fund (101) – Increase revenues and expenditures for a grant from the New Mexico

Department of Homeland Security/Emergency Management for the purpose of funding a new position within the San Miguel County Emergency Management which will cover 50% of salary and benefits.

Increase expenditures \$6,722 to be funded by grant revenues in the amount of \$2,861 and \$3,861 from unbudgeted cash balance;

Increase revenues and expenditures in the amount of \$3,000 to be funded from a grant from the United States Marshals Service through Asset Forfeiture. These funds may be used to reimburse law enforcement officers within the police department who actively participate in fugitive apprehension investigations;

State Fire Fund (203) – Increase revenues and expenditures in the amount of \$100,000 to be funded by a grant from the New Mexico State Fire Marshall for the purpose of purchasing a 2100 gallon Tanker Pumper;

Economic Development Fund (207) – Increase expenditures in the amount of \$10,000 to be funded from unbudgeted cash balance for the purpose of purchasing construction drawings for the Dee Bibb Industrial Park project;

Local Law Enforcement Fund (215) -- Increase revenues and expenditures in the amount of \$232,638 for the purpose of purchasing police vehicles to be funded by a loan from the New Mexico Finance Authority;

Traffic Safety Fund (253) – Increase ODWI grant revenues and expenditures in the amount of \$12,368 for Alcohol countermeasure activities including high visibility enforcement;

Increase S.T.E.P. grant revenues and expenditures in the amount of \$3,497 for traffic safety-related occupant protection enforcement overtime and training.

Grants provided through the New Mexico Department of Transportation;

2011 JAG Fund (262) – Increase revenues and expenditures in the amount of \$21,653 to be funded by a grant from the 2011 Edward Byrne Memorial Justice Assistance (JAG) Program through the New Mexico Department of Public Safety for the purpose of state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and evaluation activities that improve or enhance law enforcement programs;

Community Block Grants (237) – Increase revenues and expenditures in the amount of \$351,977 for The purpose

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 December, 2011.

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero, City Attorney

10. Approval/Disapproval of Resolution 11-85 in support of a request for partial legislative funding to reestablish the New Mexico Health Council System.

Resolution 11-85 was presented as follows:

**CITY OF LAS VEGAS
Resolution No. 11-85**

**A RESOLUTION IN SUPPORT OF A REQUEST FOR PARTIAL LEGISLATIVE
FUNDING TO REESTABLISH THE NEW MEXICO HEALTH COUNCIL
SYSTEM**

WHEREAS, The Maternal Child Health Plan Act was passed by the Legislature and signed by the governor in March 1991 “to encourage the development of comprehensive, community-based maternal and child health plans to meet the needs of childbearing women and their families, and thereby improve the long-term health of New Mexicans across the state”; and

WHEREAS, New Mexico is one of 13 states with a centralized department of health, reflecting the importance of Health Councils to provide community-based health planning and coordination and are uniquely poised to work with the State to coordinate and implement health care reform in all communities throughout the state; and

WHEREAS, Health councils have served as the hub of local public health systems, playing a central role in the system by which state government is able to accomplish the *Ten Essential Public Health Services, through the assessment* of local needs,

development of community health plans and priorities, providing local input to state plans, influencing policies that improve health, and having attracted significant amounts of non-DOH funding to support new programs and services in order to improve the health of New Mexicans; and

WHEREAS, State funding was suspended in July 2010 due to State budget cuts causing health councils across the state to struggle to continue their community work, some even being forced to shut their doors; and

WHEREAS, Partial financial support is being requested from the 2012 New Mexico Legislature to provide a foundation of support for councils to continue their work in partnership with state government in improving health outcomes for New Mexico residents.

NOW, THERFORE, BE IT RESOLVED BY THE CITY OF LAS VEGAS that it hereby supports a legislative request to re-establish the New Mexico Health Council System with public funds.

PASSED, APPROVED and ADOPTED by the Governing Body on this _____ day of _____, 2011.

Alfonso E. Ortiz, Jr. Mayor

(Seal)

ATTEST:

Casandra Fresquez, City Clerk

11. Approval/Disapproval of Resolution 11-83 repealing and replacing all previous resolutions and adopting a City of Las Vegas Transportation Department Federal Transportation Administration (FTA) Drug and Alcohol Policy – Zero Tolerance.

Resolution 11-83 was presented as follows:

**CITY OF LAS VEGAS
Resolution No. 11-83**

**A RESOLUTION REPEALING AND REPLACING ALL PREVIOUS
RESOLUTIONS AND ADOPTING A CITY OF LAS VEGAS
TRANSPORTATION DEPARTMENT (MEADOW CITY EXPRESS)
FTA DRUG AND ALCOHOL TESTING POLICY
(ZERO TOLERANCE)**

WHEREAS, the City of Las Vegas Transportation Department (Meadow City Express) is required by the NMDOT Transit and Rail Division to have a FTA Drug and Alcohol Testing Policy in place; and

WHEREAS, upon completion of the Meadow City Express Drug and Alcohol Site Visit it was recommended that this updated FTA Drug and Alcohol Zero Tolerance Policy be created and adopted by the Governing Body, and distributed to MCE employees; and

NOW, THEREFORE BE IT RESOLVED THAT the Governing Body of the City of Las Vegas hereby approves the City of Las Vegas Transportation Department (Meadow City Express) FTA Drug and Alcohol Testing Policy (Zero Tolerance) and directs its distribution to transit employees.

PASSED, APPROVED AND ADOPTED by the City of Las Vegas Governing Body this _____ day of _____, 2011.

Alfonso E. Ortiz, Jr.
Mayor

ATTEST:

Casandra Fresquez, City Clerk

12. Approval/Disapproval of vehicle purchase Bid No. 100-11 to lowest bidder meeting all specifications.

Councilor Feldman moved to approve consent agenda as read into the record by City Clerk Fresquez. 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.

Business Items Continued

1. Approval/Disapproval to appoint Mayor Pro-tempore for a six (6) month term effective December 21, 2011.

Mayor Ortiz, Jr. stated all Councilors had served in this capacity except for Councilor Romero and asked what the pleasure of the Governing Body was.

Councilor Feldman nominated Councilor Romero to serve as Mayor Pro-tempore. Councilor Moore seconded the motion. Councilor Romero stated he could not accept the appointment due to his health and nominated Councilor Moore to serve as Mayor Pro-tempore for a six month term. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

15. Approval/Disapproval of Contracts for City Director: Carlos Ortiz, Jr., Public Works Director, Casandra Fresquez, City Clerk, Elmer Martinez, Community Development Director, Christian Montano, Chief of Police, Phillip Mares, Fire Chief, Robert Pacheco, Housing Director, Ken Garcia, Utility Director and Pamela Marrujo, Finance Director.

Councilor Gurule-Giroñ stated that she researched the issue regarding the proposed contracts for the City Directors and it is not in the City of Las Vegas' best interest to enter into these contracts and read numerous cases pertaining to contracts pointing out that contracts would obligate the City to pay out tax revenues beyond the current fiscal year which violates the constitution. Councilor Gurule-Giroñ further stated that the contracts would be in violation of the City's municipal charter. Councilor Gurule-Giroñ concluded by stating that based on the findings from the New Mexico Supreme Court, New Mexico Constitution, Office of the Attorney General, State of New Mexico opinion, United States District Court and numerous cases cited, she implored the Governing Board on behalf of the tax payers and constituents to vote this item down.

City Attorney Romero stated that what Councilor Gurule-Giroñ was discussing was the Bateman act and the proposed contracts meet the requirements of the Bateman act by paying for the costs of the contracts with the current budget and not indebting future budgets. The contracts are also encouraged and provided by the new charter and are recommended because of the consistency and stability in transition by retaining knowledge rather than going through severe transition with the new election. City Attorney Romero concluded by stating he is the attorney and in his opinion the proposed contracts are legal.

City Manager Tim Dodge stated his recommendation is based upon one of the biggest issues that faced the organization when he started working for the City which was continuity and recommended approval of the contracts.

Councilor Moore asked if the Directors had been evaluated and if so had they met or exceeded the goals and expectations.

City Manager Dodge stated all but two Directors have been evaluated, the majority of the goals had been met and there are some objectives that have been set and documented as the City moves forward.

Councilor Moore stated that the current administration has moved the City forward including the City Manager, the Council and the Directors and with that moved to approve contracts for City Directors; Carlos Ortiz, Jr. Public Works Director, Casandra Fresquez, City Clerk, Elmer Martinez, Community Development Director, Christian Montano, Chief of Police, Phillip Mares, Fire Chief, Robert Pacheco, Housing Director, Ken Garcia, Utility Director and Pamela Marrujo, Finance Director. Councilor Feldman 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
Tonita Gurule-Giroń	No	David Romero	No

City Clerk advised Mayor Ortiz, Jr. of the tie vote.

Mayor Alfonso E. Ortiz, Jr. voted Yes.

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

8. Approval/Disapproval of Resolution 11-86 authorizing the execution and delivery of a loan agreement and intercept agreement between the City of Las Vegas and the New Mexico Finance Authority.

Deputy Finance Director Tana Vega stated this was a loan agreement for the purchase of the police units in the amount of \$232,638.

Councilor Moore moved to approve Resolution 11-86. Councilor Feldman and Councilor Gurule-Giron seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

9. Approval/Disapproval of Resolution 11-81 to enter into a Lease Purchase Agreement with DivLend Equipment Leasing, L.L.C.

Deputy Finance Director Tana Vega requested approval of Resolution 11-81 to enter into a lease purchase agreement for the accounting software program with Tyler Technologies.

Mayor Ortiz, Jr. asked if the program would belong to the City should in the future the City decided to change companies.

City Attorney Romero advised that the software program would be the City's property as per the contract.

Councilor Feldman moved to approve Resolution 11-81. 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
Diane Moore	Yes	Andrew Feldman	Yes

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

13. Approval/Disapproval to enter into agreement with Ronald and Karla Garcia to purchase water rights for the City of Las Vegas.

Utilities Director Ken Garcia requested approval to enter into agreement with Ronald and Karla Garcia to purchase additional water rights at a cost of \$4,000 per acre foot for approximately 2 acre feet of water with 1888 priority and advised that the agreement had been reviewed and approved by the City's Water Rights attorney.

Councilor Feldman advised that the issue had been discussed with the Utilities Advisory Committee and they were in agreement that the City should move forward with the agreement and therefore moved to approve entering into agreement with Ronald and Karla Garcia to purchase water rights for the City of Las Vegas. Councilor Romero and 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.

14. Approval/Disapproval to enter into water service commitment agreement with Mr. Salman/OXIDO.

Utilities Director Garcia stated that in 2008 the City entered into an agreement with OXIDIO which was to transfer water rights in exchange for development in agreement to serve property that was owned by Jeff Salman. Utilities Director Garcia pointed out that the water rights needed to go to the State Engineers Office for approval and that process had been completed, also the subdivision had to be approved by the City and that has been completed. Utilities Director Garcia added that the final step would be the service commitment agreement in accordance with the outside city limits resolution moratorium on taps, so the City would agree to provide future taps to Mr. Salman in exchange for the water rights he's been providing to the City.

After some discussion, City Manager Dodge recommended approval to enter into the water service commitment agreement.

Councilor Feldman moved for approval to enter into the water service commitment agreement with Mr. Salman/OXIDO. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

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

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

COUNCILORS REPORTS

Councilor Feldman stated that the in-fighting that takes place at the Council Meetings makes everyone look foolish. Councilor Feldman pointed out that during the Chamber of Commerce presentation he asked the question if attorney Gerald Baca was paid for his services and was it separated from the money the Chamber gets from the City and the point he was trying to make was tax dollars from one organization going to fort the efforts of others and that's just wrong.

Councilor Feldman stated that he asked himself why we have the First Independent Business Alliance and pointed out that in terms of promotion of business, the Chamber of Commerce has not functioned in that regard for three years and has received alleged improprieties with billing and numerous complaints throughout his term. Councilor Feldman added that it's a continuous pattern with the Chamber of Commerce not working with others and concluded his report by stating he thinks funding should be pulled from the Chamber and start over with the City running the tourism and promotion department that would work out of Community Development.

Mayor Ortiz, Jr. thanked the audience for attending the Council Meeting and asked that City Manager Dodge make a recommendation regarding the disagreements between the two entities.

City Manager Dodge stated he had scheduled a meeting between Mr. Matt Martinez and Mr. Wid Slick for Tuesday and will try and resolve the issue and if an agreement can't be reached he will come to Council with a recommendation.

Mayor Ortiz, Jr. concluded his report by wishing the community a Merry Christmas and a Happy New Year and entertained a motion for adjournment.

EXECUTIVE SESSION/CLOSED SESSION

There were no items for Executive Session.

ADJOURN

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

Tonita Gurule-Giroñ	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