

AGENDA
City of Aztec
COMMISSION WORKSHOP
November 11, 2014
201 W Chaco, City Hall
5:15 pm to 5:45pm pm

5:15-5:45

A. Downtown Business Development Venture

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

Note: A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

A G E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
November 11, 2014
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA APPROVAL

VI. CITIZEN RECOGNITION

VII. EMPLOYEE RECOGNITION

VIII. CONSENT AGENDA

- A. Commission Meeting Minutes, October 14, 2014
- B. Commission Meeting Minutes, October 28, 2014
- C. Travel Requests
- D. Four Winds Recover Center Inc, and City of Aztec Contract
- E. Dedication/Acceptance Of The First Phase Of Pioneer Heights Streets
- F. Bid #2014-408 Reservoir #3 Raw Water Pump Improvements, change Order #1

Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"

IX. ITEMS FROM CONSENT AGENDA

X. CITIZENS INPUT (3 Minutes Maximum)

(Citizens who wish to speak will sign up prior to the meeting – this section is for items not otherwise listed on the agenda)

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XI. BUSINESS ITEMS

A. Petition for Voter ID for Elections in the City of Aztec

XII. LAND USE HEARING

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XIV. DEPARTMENT REPORTS

(When this item is announced, all Department Heads who wish to give a report will move to the podium)

XV. ADJOURNMENT

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

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CITY OF AZTEC
COMMISSION MEETING MINUTES
October 14, 2014

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:00pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Municipal Judge, Carlton Gray

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was let by Electric Director, Ken George

IV. ROLL CALL

Members Present: Mayor, Sally Burbridge; Mayor Pro-Tem, Sherri Sipe; Commissioner, Katee McClure; Commissioner, Sheri Rogers

Members Absent: Commissioner, Roberta Locke

Others Present: City Manager, Joshua Ray; City Attorney, Larry Thrower; City Clerk, Karla Saylor, Project Manager, Edward Kotyk (see attendance sheet)

V. AGENDA APPROVAL

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Rogers to Approve the Consent Agenda as Presented

VI. CITIZEN RECOGNITION

Bob Carmen, Code Compliance Officer mentioned the Yard of the Month winners as Larry & Bonnie Brooks at 120 Hartman Place and Store front of the quarter as The Bistro owned by Caleb & Christie Robison.

VII. EMPLOYEE RECOGNITION

Mayor Burbridge mentioned that there was a compliment passed on to our City Staff as a whole by the New Mexico Celtic Athletic Association mentioning that they were very complimentary of all aspects of our City and the willingness to participate in the Highland Games event and to encourage the event to be there and to grow.

VIII. CONSENT AGENDA

MOVED by Mayor Burbridge, SECONDED by Mayor Pro-Tem Sipe to Approve the Consent Agenda With The Exception Of Item G Bid 2014-401 Blanco Sewer Line Change Order #1 and Item N. Sewer and Water Line Marketing License Agreement

- A. Commission Meeting Minutes, September 23, 2014
- B. Travel Requests
- C. American Red Cross Shelter Agreement
- D. Bid #15-0442 Highway Jersey Barriers
- E. Bid #15-0443 Lift Station Stand By Generator
- F. Bid #15-0445 Church St. Improvement Project
- G. Pulled
- H. BuyBoard Cooperative Interlocal Participation Agreement
- I. Memorandum of Understanding (MOU) between the City of Aztec and Christopher Bauer, DVM
- J. Memorandum of Understanding (MOU) Between The City of Aztec and Humane Society Of The Four Corners (HS4C)
- K. Memorandum of Understanding (MOU) Between The City of Aztec and San Juan Animal League (SJAL)
- L. Document Destruction Animal Shelter
- M. Bid 2014-396 Pedestrian Trail Change Order #3(Ed)
- N. Pulled

IX. ITEMS FROM CONSENT AGENDA

- G. Bid 2014-401 Blanco Sewer Line Change Order #1

Mayor Burbridge went over the dates with in staff summary mentioning that the completion date for this project was July 26, 2014 not February 26, 2014.

MOVED by Mayor Burbridge, SECONDED by Commissioner McClure to Approve Consent Item G, Bid 2014-401 Blanco Sewer Line Change Order #1

N. Sewer and Water Line Marketing License Agreement

Mayor Burbridge mentioned that they need to decide if they want the .50 royalty fee implemented on items mentioned in the agreement.

MOVED by Commissioner McClure, SECONDED by Commissioner Rogers Approve Sewer and Water Line Marketing License Agreement without the royalty fee between the City of Aztec and Service Line Warranties of America, Inc.

X. CITIZENS INPUT

None

XI. BUSINESS ITEMS

A. Final Adoption of Ordinance 2014-439 Amending Articles II and IV of Chapter 20 Signs

Bil Homka, Community Development Director mentioned that there was a minor amendment to the Ordinance stating that there was wording that needed to be changed on 4-5. Bil passed out to Commission the correct correspondence for them to view.

MOVED by Commissioner McClure, SECONDED, Mayor Pro-Tem Sipe to Approve the Final Adoption of Ordinance 2014-439 Amending Articles II and IV of Chapter 20 Signs

A Roll Call Was Taken: All Voted Aye Motion Passed 4-0

XII. LAND USE HEARINGS

A. Application 2014-163 Zone Change

Mayor Burbridge opened the Land Use Hearing for Application 2014-163 Zone Change. Mayor Burbridge stated that this hearing would be conducted under Procedures mandated by the New Mexico Court of Appeals in Battershell versus the City of Albuquerque, which were intended to protect the due process rights of our parties. Mayor Burbridge subsequently identified the parties and City Staff. Mayor Burbridge then asked Commission if they would accept the parties and they did. She reviewed the procedures and then asked if any members of the Commission had a conflict of interest, bias, or engaged in ex parte communication, there were none. Mayor Burbridge then swore in the parties and reviewed the Order of Presentation.

Bil Homka reviewed the Zone Change Findings of Facts with Commission and Staff mentioning that the property located at 813 S. Main St. would serve as the new office and operations base for Joe Reyes Inc. This application is requesting a change in zoning classification from A Agriculture/Rural to C-2 Commercial-General. There have been no objections from property owners around the property. Bil mentioned that Staff supports this request because it is adjacent to property with the same zoning.

MOVED by, Commissioner Rogers, SECONDED by Mayor Pro-Tem Sipe to Approve this zone change request at 813 S. Main Street, from A-1 Agricultural/Rural to C-2 Commercial-General due to the three (3) Findings of Fact listed above

A Roll Call was taken: All Voted Aye, Motion Passed 4-0

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Josh reported that he will be attending the first meeting for the Frontier Communities and Main Street Communities Thursday in Albuquerque. He mentioned that he will have a list of follow up meetings after he attends this meeting so Commission and Staff can attend. He mentioned that they had the Pedestrian Trail walk through on Monday. Josh mentioned that the High School Key Club will be hosting a Haunted House in Pioneer Village for Halloween.

Mayor Burbridge reported that she and Commissioner Rogers attended the Manufacturing Day at the Quality Center for Business sharing things that the City is doing to try to work with the Manufactures in our Community. She mentioned that she is going to start receiving the newsletter from the Enterprise Center and said she would forward it to the Commission and City Manager and encouraged them to attend the luncheons. She mentioned that she was able to speak with Dr. Henderson on the activities that are happening in the Community on 107.1 Passion Radio. The Mayor mentioned that she would be the Alternate to serve on the MPO Policy Board. She mentioned that she would like to find a representative for the Get Pinked Campaign for the City of Aztec. She mentioned that she will be attending the Get Pinked Soiree on October 25th. The Mayor will be attending the SIF Board meeting in Santa Fe tomorrow and will be attending the Economic Development and Growth and Excellence Award Banquet on October 21st. She will also be attending the Council of Government Board meeting in Gallup on Wednesday. She mentioned that there will be a meeting for the Four Corners Paddle Trail Project on October 27th at 11:30 am at the Quality Center for Business at San Juan College. The Mayor went door to door down town to the local businesses this afternoon getting information out on the Aztec Sparkles Christmas Festival.

Mayor Pro Tem Sipe reported that she attended the Northwest New Mexico Senior Board Meeting on Wednesday. She mentioned that non-profits are in trouble all around and mentioned that they are trying to do away with federal funding for Seniors and make Cities and States responsible for the funding. She will be attending the EDAB meeting on Thursday.

Commissioner McClure reported that she attended the Highland Games and Celtic Festival. She mentioned that she participated in painting at the Aztec Airport.

Commissioner Rogers reported that she attended the Get Pinked Rally at McGee Park and mentioned that she attended her first class at Leadership San Juan.

Larry Thrower reminded everyone that you can go vote early at the San Juan County Courthouse.

XVII. ADJOURNMENT

MOVED by Mayor Burbridge, SECONDED by Pro-Tem Sipe to adjourn the meeting at 6:55 pm.

Mayor, Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

CITY OF AZTEC
COMMISSION MEETING MINUTES
October 28, 2014

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:00pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Past Mayor Pro-Tem, Jim Crowley

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was let by Electric Director, Ken George

IV. ROLL CALL

Members Present: Mayor, Sally Burbridge; Mayor Pro-Tem, Sherri Sipe; Commissioner, Katee McClure; Commissioner, Roberta Locke

Members Absent: Commissioner, Sheri Rogers

Others Present: City Manager, Joshua Ray; City Attorney, Larry Thrower; City Clerk, Karla Saylor, (see attendance sheet)

V. AGENDA APPROVAL

MOVED by Commissioner Locke, SECONDED by Mayor Pro-Tem Sipe to Approve the Consent Agenda as Presented

VI. CITIZEN RECOGNITION

None

VII. EMPLOYEE RECOGNITION

None

VIII. CONSENT AGENDA

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner McClure to Approve the Consent Agenda As Presented

- A. Commission Workshop Meeting Minutes, October 14, 2014
- B. Travel Requests
- C. Document Destruction Community Development

IX. ITEMS FROM CONSENT AGENDA

X. CITIZENS INPUT

Jessica Polatty, representative for the Aztec Highland Games and Celtic Festival reported to Commission and Staff a review of the activities of the festival this year. Jessica mentioned that there were about 1500 people in attendance on Saturday and 1000 on Sunday not counting the athletes. Jessica thanked Commission and staff for all their support including the Electric Department, General Services and Police Department.

XI. BUSINESS ITEMS

A. Final Adoption of Ordinance 2014-439 Amending Articles II and IV of Chapter 20 Signs

Bil Homka, Community Development Director mentioned that there was a minor amendment to the Ordinance stating that there was wording that needed to be changed on 4-5. Bil passed out to Commission the correct correspondence for them to view.

MOVED by Commissioner McClure, SECONDED, Mayor Pro-Tem Sipe to Approve the Final Adoption of Ordinance 2014-439 Amending Articles II and IV of Chapter 20 Signs

A Roll Call Was Taken: All Voted Aye Motion Passed 4-0

XII. LAND USE HEARINGS

A. Application 2014-134 Zone Change

Bil Homka, Community Development Director mentioned that Mr. Parker has requested to withdraw his application as he is not ready to proceed at this time and no other work required to process this request has been done to date

most importantly the creation of the separate lot and access easement to specifically serve Mr. Parker's personal residence.

MOVED by, Commissioner McClure, SECONDED by Mayor Pro-Tem Sipe to Approve to Withdraw the request of the Community Development Department of Zone Change 2014-134

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Josh reported that there will be a ribbon cutting ceremony for the Trail and the North Main Pedestrian Bridge Saturday at 12:00 noon. Josh mentioned that there will be a Halloween Haunted house hosted by the Key Club in Pioneer Village. Josh mentioned that the Brewers License for the Hiway Grill was approved at the San Juan County Commission meeting. Josh mentioned that there have been letters mailed out to all the Business owners downtown to get information on the downtown buildings to create a database online. Josh also mentioned that Director Erin Collins, from the Boys and Girls Club has left her position with the Club. Josh mentioned there will be a Halloween potluck this Thursday at 12 noon in the Commission Room.

Mayor Burbridge reported that she received a letter from a teacher of Mosaic Academy, Amanda Knight about the City of Aztec Vision Plan and a role that her and her students can play in the Vision Plan. The Mayor mentioned that she attended a Self Insurers Fund meeting in Santa Fe mentioning that they have created an access data base for training of employees. She thanked Commission for attending the EDGE banquet mentioning that this is the first time since she has been attending that any Commission has attended in entirety. She also mentioned that she attended the Get Pinked Soiree. She mentioned that she attended the Council of Governments meeting mentioning that they discussed a Resolution and Proposed Legislation to create in NM investment tax credits which is meant to encourage investment in larger square footage buildings. She mentioned that the next Aztec Sparkles meeting will be Wednesday, November 5th at the office of Attorney, Ryan Lane downtown Aztec at 5:30pm. The Mayor mentioned that she will be attending safety training in Albuquerque on Thursday, November 6th.

Mayor Pro Tem Sipe reported that she attended the EDAB meeting mentioning that Duane Wakan has been appointed as MPO planner. She mentioned that all the businesses that were nominated by EDAB were recognized at the EDGE Banquet Awards. She mentioned that November 4th is Election Day.

Commissioner Locke mentioned that she attended the EDGE award banquet and mentioned that she is proud of the Aztec businesses that won their awards. She mentioned that it is Alzheimer's month. She mentioned that she got all her 100 Vision Plans handed out. She mentioned that she will attend the Bridge and Trail Ribbon Cutting Ceremony.

Commissioner McClure reported that she attended the ECHO board meeting and mentioned that they honored Sarah Kaynor, Executive Director who has been with ECHO for 25 years. She asked if we will be participating in the ECHO food drive. She mentioned that she will be attending the Aztec Sparkles meeting.

XIV. DEPARTMENT REPORTS

Chief Mike Heal mentioned that Safe Treats will be downtown main street from 4-6 pm on Halloween night.

XV. CLOSED SESSION

Pursuant to State Law, Section 10-15-1 (H-8) to Consider the Approval of Purchase of Real Property

At 6:30 pm Mayor Burbridge moved the meeting into Closed Session Pursuant to Section 10-15-1H (8) to consider the approval of purchase of real property.

Mayor Burbridge voted Aye; Mayor Pro-Tem Sipe voted Aye; Commissioner Locke voted Aye; Commissioner McClure voted Aye

Mayor Burbridge re-opened the Commission Meeting at 7:25 pm stating nothing had been discussed other than matters Pursuant to Section 10-15-1H (8) to consider the approval of purchase of real property.

Mayor Burbridge voted Aye; Mayor Pro-Tem Sipe voted Aye; Commissioner Locke voted Aye; Commissioner McClure voted Aye

XV. ADJOURNMENT

MOVED by Mayor Burbridge, SECONDED by Pro-Tem Sipe to adjourn the meeting at 7:26 pm.

Mayor, Sally Burbridge

ATTEST:

Karla Saylor, City Clerk

MINUTES PREPARED BY:

Karla Saylor, City Clerk

DRAFT

Staff Summary Report

MEETING DATE:	November 11, 2014
AGENDA ITEM:	VIII. CONSENT AGENDA (C)
AGENDA TITLE:	Travel Requests

ACTION REQUESTED BY:	Utility, Commission, Police, Public Works, City Attorney and Tourism
ACTION REQUESTED:	Approval of Employee/Public Official Travel Requests
SUMMARY BY:	Cheryl Franklin

PROJECT DESCRIPTION / FACTS (Leading Department)

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department. Two requests for travel had already occurred and the Utility and Commission is requesting approval for travel on the date of this meeting; however, the remaining requests are dated for future.
- If travel/training is to be reimbursed or some of the costs will be paid by another entity, those notes have been included on the log.

FISCAL INPUT (Finance Department)

- All departments requesting travel have sufficient funds budgeted within their travel/training budgets

SUPPORT DOCUMENTS:	Travel Log November 11, 2014
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DEPARTMENT'S RECOMMENDED MOTION:	Approve Employee/Public Official Travel Requests
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**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL
MEETING DATE: NOVEMBER 11, 2014**

Dates of Travel	Department	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY15 Budget Available
10/19-10/22/14	Utility	Itron Users' Conference San Antonio, TX.	Yes	Yes	216.00 995.00 654.89	Meal & Gratuity Allowance Registration Airfare	Yes
10/22/14	Commission	Council of Governments Gallup, NM.	No	No	7.05 37.64	Actual Cost for Meals Actual Cost for Fuel	Yes
11/13-14/14	Commission	NMML & NM Assoc. of Counties Santa Fe, NM.	Yes	No	72.00 65.00	Meal & Gratuity Allowance Estimated Cost for Fuel (League paid for Lodging)	Yes
11/17-18/14	Police	Inside The Mexican Drug Cartels UNM Conference Center Albuquerque, NM.	Yes	No	72.00 150.00 65.00 93.79	Meal & Gratuity Allowance Registration Estimated Cost for Fuel Lodging	Yes
11/17-18/14	Police	Inside The Mexican Drug Cartels UNM Conference Center Albuquerque, NM.	Yes	No	72.00 150.00 93.79	Meal & Gratuity Allowance Registration Lodging (w/J. Simpson) *Riding w/H. Knibbs	Yes
11/17-18/14	Police	Inside The Mexican Drug Cartels UNM Conference Center Albuquerque, NM.	Yes	No	72.00 150.00 0.00	Meal & Gratuity Allowance Registration Lodging (w/J. Whalen) *Riding w/H. Knibbs	Yes

**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL
MEETING DATE: NOVEMBER 11, 2014**

Dates of Travel	Department	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY15 Budget Available
11/18-23/14	Commission	Nat'l League of Cities Austin, TX.	Yes	Yes	306.60 1210.00 449.20 975.00	Meal & Gratuity Allowance Registration Airfare Lodging	Yes
12/2-9/14	Public Works	Streambank Stabilization Training Salt Lake City, UT.	Yes	Yes	252.60 0.00 150.00 581.02	Meal & Gratuity Allowance *Conf. fee credited for cancellation Estimated Cost for Fuel Lodging	Yes
12/2-4/14	Police	UCR Training Santa Fe, NM.	Yes	No	96.00 70.00 191.60	Meal & Gratuity Allowance Estimated Cost for Fuel Lodging	Yes
12/10-12/14	City Attorney	NMML Attorney's Association Albuquerque, NM.	Yes	No	96.00 160.00 215.34 166.00	Meal & Gratuity Allowance Registration Rate/mileage Reimb. Lodging	Yes
01/08-10/14	Tourism	TANM Conference Santa Fe, NM.	Yes	Yes	96.00 150.00 65.00 216.54	Meal & Gratuity Allowance Registration Estimated Cost for Fuel Lodging	Yes

Staff Summary Report

MEETING DATE:	11 November 2014
AGENDA ITEM:	VIII. Consent Agenda (D)
AGENDA TITLE:	Four Winds Recovery Center Contract

ACTION REQUESTED BY:	Joshua W. Ray, City Manager
ACTION REQUESTED:	Approval Of The Contract With Four Winds Recovery Center, Inc.
SUMMARY BY:	Joshua W. Ray, City Manager

PROJECT DESCRIPTION / FACTS (Leading Department)

Four Winds Recovery Center Inc. currently provides facilities and services of Protective Custody Detoxification for inebriates referred to Four Winds Recovery Center, Inc. by the Aztec Police Department.

Chief Mike Heal has served as the City of Aztec representative on the Four Winds advisory board for a number of years.

In 2010, City Manager Josh Ray and Chief Heal began expressing concern with the operations of Four Winds. We expressed concern over the number of days inebriates had to remain in the facility and the amount it cost the City to treat these individuals. We also expressed concern over the method of billing used by Four Winds and the manner by which it appeared some agencies were not being charged the same rate as others.

Recently, Four Winds determined they would not be able to continue offering services operating in the same manner as they have in the past. They proposed a number of changes to the way they will bill their partnering agencies. After discussion and debate, the attached contract is something that City staff can recommend for approval by Commission.

This contract is set to expire on 30 June 2015 or whenever we can enter into an agreement with another agency to provide the services needed by our Police Department. We are currently monitoring the efforts of the City of Farmington, San Juan County, and San Juan Regional Medical in hopes of creating a new, more effective partnership.

SUPPORT DOCUMENTS:	Four Winds Recover Center, Inc. Contract
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DEPARTMENT'S RECOMMENDED MOTION:	Move to approve the contract with Four Winds Recovery Center, Inc.
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Four Winds Recovery Center, Inc.

1313 Mission Avenue • Farmington, New Mexico 87401 • (505) 327-7218 • Fax (505) 327-0828

Mailing Address: P. O. Box 1830 • Farmington, NM 87499

Four Winds Recovery Center, Inc. And City of Aztec Contract

This agreement entered between the City of Aztec and Four Winds Recovery Center, Inc. effective November 1, 2014.

Four Winds Recovery Center, Inc. will provide, to the City of Aztec, facilities and services of Protective Custody Detoxification for inebriates referred to Four Winds Recovery Center, Inc. by the Aztec Police Department.

For this service, Four Winds Recovery Center, Inc. will bill the City of Aztec a daily service fee of \$145.00 per client, per day, not to exceed three (3) days. A brief narrative of medical criteria and justification on monthly invoice statements for individuals held beyond one (1) day. This service fee will be invoiced to the City of Aztec on a monthly basis for the past month's usage.

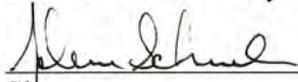
The City of Aztec agrees to Four Winds Recovery Center, Inc. for the previous month's services within 30 days of receipt of invoice.

This agreement will end when an alternate is operational or on June 30, 2015.

Either party may cancel this agreement with a 60-day written notice.

Four Winds Recovery Center, Inc.

City of Aztec



Signature

Signature

Jolene M. Schneider
Executive Director

Printed Name & Title

10/29/2014

Date

Date

Staff Summary Report

MEETING DATE:	November 11, 2014
AGENDA ITEM:	VIII. Consent Agenda (E)
AGENDA TITLE:	<u>Dedication/Acceptance Of The First Phase Of Pioneer Heights Streets</u>

ACTION REQUESTED BY:	Bil Homka, Community Development
ACTION REQUESTED:	Approve the Dedication/Acceptance Of The First Phase Of Pioneer Heights Streets
SUMMARY BY:	William M. Homka AICP, CFM

PROJECT DESCRIPTION / FACTS

The Pioneer Heights Subdivision project is located off North Light Plant Road. The project began nearly 10 years ago in August, 2004 with the first plat submitted on March 22, 2004. The Aztec City Commission approved the final plat on March 15, 2002. Over the years the project took longer than anticipated, bonds expired, and numerous issues between the city and the developer arose. On January 14, 2014, the City Commission approved a suspension of the Pioneer Heights Subdivision project.

On July 8, 2014 the City Commission entered into a new Subdivision Agreement with PAD LLC., the developers of the Pioneer Heights Subdivision. As part of that agreement the Commission agreed to remove the suspension and permit the developers to resume selling lots on the condition of making necessary improvements. The subdivision is now 10 years old and in need of some maintenance and also needed some completion, such as sidewalks. These were described as part of a Phase I. The requirements included crack sealing the streets, installing sidewalks on lots owned by PAD LLC., replacement/repair of street signage, and the replanting of open space vegetation. It was agreed once all of these improvements would be made the developer would request the city accept dedication of the infrastructure and right-of-way improvements.

PAD LLC. completed the necessary requirements as outlined in the revised subdivision agreement per July 8, 2014. The sale of lots and construction of new homes has resumed in the Pioneer Heights Subdivision. In a letter dated October 13, 2014 Peggy McWilliams requests requested the City of Aztec accept the dedication of the aforementioned infrastructure. The letter is attached to this report. The total value of the infrastructure in Phase I will be provided at the Commission meeting.

FINDINGS OF FACT

1. Pioneer Heights Phase I is no longer under threat of suspension;
2. PAD LLC. completed requirements set forth in the revised Subdivision Agreement per the Commission meeting on July 8, 2014, and;
3. PAD LLC. requests the City of Aztec accept dedication of the Phase I infrastructure in Pioneer Heights.

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

The total value of the infrastructure will be calculated and provided at the meeting.

SUPPORT DOCUMENTS: PH Letter of Completion

DEPARTMENT'S RECOMMENDED MOTION: Move To Approve To Accept The Dedication Of The Streets And Infrastructure Per The Three (3) FINDINGS OF FACT.

PAD LLC

Pioneer Heights Subdivision

P. O. Box 427
Flora Vista, NM 87415
(505) 360-9535

October 13, 2014

City of Aztec
Attn: William Watson
201 W. Chaco Street
Aztec, NM 87415

Dear William,

Thank you for your cooperation in the final completion of Pioneer Heights Phase I. PAD LLC has completed all required improvements per City Regulations and the 2014 Memorandum Agreement Amending Subdivision Final Plat item 4:

- A. Crack seal pavement
- B. Street signs
- C. Installation of sidewalks
- D. Open Space vegetation and erosion stability

PAD LLC cordially requests the City to accept the dedication of Phase I improvements to include utilities, streets, and open spaces per the "as build" survey plat provided to the City. Upon acceptance, please prepare and file documentation of the acceptance as dedicated in the final plat, in the San Juan County NM public records.

Please contact me if I can provide further assistance in the final acceptance of the Phase I.

Sincerely,

Peggy McWilliams

Peggy McWilliams
PAD LLC, Member

Cc: William Homka

RECEIVED
~~OCT 13 2014~~
Oct. 20, 2014
CITY OF AZTEC
COMMUNITY DEVELOPMENT

Staff Summary Report

MEETING DATE: November 11, 2014
AGENDA ITEM: VIII. CONSENT AGENDA (F)
AGENDA TITLE: Re-Bid 2014-408 Reservoir #3 Raw Water Pump Improvements Change Order #1

ACTION REQUESTED BY: Public Works Department
ACTION REQUESTED: Approval of Re-Bid 2014-408 Reservoir #3 Raw Water Pump Improvements Change Order #1
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- Re-Bid #2014-404 Reservoir #3 Raw Water Pump Improvements, awarded on July 8, 2014, included the lowering of the existing pump, installation of a new pump (purchased by city), and repairs to the pump house as a result of flooding in 2010 (broken waterline).
- The contractor commenced work on August 25, 2014 and substantial completion occurred on October 21, 2014, 58 days. The contract provided 90 days for substantial completion (substantial completion: project operational, minor items not impacting functionality or use by City may be outstanding). This contract did NOT include an incentive for early completion.
- Warranty period of one year begins October 21, 2014.
- Change Order #1 is the adjustment to actual quantities installed.

PROCUREMENT / PURCHASING

- Bid# 2014-408 was bid twice. The first was in June 2014 with no responsive bids received. The project was re-bid and awarded to Maranatha Enterprises LLC in July 2014.
 - ◆ Original Contract: \$45,916.45
 - ◆ Change Order #1 (2,231.51)
 - ◆ Amended Contract: \$43,684.94 (w/o GRT)

FISCAL INPUT / FINANCE DEPARTMENT

- Unexpended funds will remain within the FY15 Joint Utility O&M Fund, Water Treatment Plant budget.

SUPPORT DOCUMENTS: Change Order #1

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Re-Bid #2014-408, Change Order #1, a reduction of \$2,231.51 to the awarded contract.

CONTRACT CHANGE ORDER

CONTRACTOR: Maranatha Enterprises LLC 8604 Rancher Rd SW Albuquerque, NM 87121	CHANGE ORDER No. 1 PROJECT: Reservoir #3 Raw Water Pump Improvements PROJECT No. Re-Bid 2014-408
OWNER: City of Aztec 201 W. Chaco, Aztec, NM 87410	ENGINEER: CHC Engineering, LLC 50 Valley Court, Durango, CO 81301
DATE OF ISSUE: 11/4/2014	EFFECTIVE DATE: 11/4/2014

The Contractor is hereby directed to make the following changes in the Contract Documents.

Description:
 Reduce actual quantities used. Correct rounding errors in bid unit prices.

Reason for Change Order:
 Concrete floor replaced was less than anticipated.

Attachments: *(List documents supporting change and justifying cost and time)*

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: <div style="text-align: right;">\$45,916.45 plus NMGRT</div>	Original Contract Times: <i>(calendar days)</i> <div style="text-align: right;">90 Days</div>
Net changes from previous Change Orders <div style="text-align: right;">\$0 plus NMGRT</div>	Net changes from previous Change Orders <i>(calendar days)</i> <div style="text-align: right;">0 Days</div>
Contract Price Prior to this Change Order: <div style="text-align: right;">\$45,916.45 plus NMGRT</div>	Contract Times prior to this Change Order: <i>(calendar days)</i> <div style="text-align: right;">90 Days</div>
Net Increase (decrease) of this Change Order: <div style="text-align: right;">(\$2,231.51) plus NMGRT</div>	Net Increase (decrease) of this Change Order: <i>(calendar days)</i> <div style="text-align: right;">0 Days</div>
New Contract Price with all Approved Change Orders: DATE OF ISSUE: 11/4/2014 <div style="text-align: right;">\$43,684.94 plus NMGRT</div>	New Contract Times with all Approved Change Orders: <i>(calendar days)</i> <div style="text-align: right;">90 Days</div>
RECOMMENDED: (Engineer) CHC Engineers, LLC By: <i>R. Cervantes</i> Date: 11/4/2014	APPROVED: (Owner) City of Aztec By: Date:
ACCEPTED: (Contractor) By: Date:	REVIEWED: (Funding Agency) By: NA Date:

Staff Summary Report

MEETING DATE: November 11, 2014
AGENDA ITEM: XI. BUSINESS ITEM (A)
AGENDA TITLE: Petition to Pass an Ordinance to Have Voter Photo ID For Elections

ACTION REQUESTED BY: Karla Sayler
ACTION REQUESTED: Denial Of Petition to Pass an Ordinance to Have Voter Photo ID For Elections
SUMMARY BY: Karla Sayler

PROJECT DESCRIPTION / FACTS

- A Petition To Pass An Ordinance To Have Voter Photo ID For Elections was turned in to the City Clerk's Office on October 6, 2014 by a local group seeking a citizen initiative on that measure pursuant to New Mexico State Statute 3-14-18.
- The City Clerk certified the Petition within 10 days from its being received as VALID. The Petition set out 187 voter signatures, 52 of which signatures were purged (not valid). 135 signatures were verified as good. The Petition required a total of 122 good signatures to be proposed to the Commission for enactment or rejection under the above state law. Normally, the Commission's rejection or amendment of or failure to act on the initiative measure would trigger the requirement for a City special election to be held within 90 days submitting the measure to the electorate.
- The City Attorney reviewed the Petition and has provided his legal opinion that such a municipal ordinance adding new voter identification requirements to the New Mexico Municipal Election Code is preempted by New Mexico state law. It is the opinion of the City Attorney that the Commission is prevented by such state law preemption from passing the proposed citizen initiative measure and that the special election requirement under State Statute 3-14-18 would not be triggered by the Commission's denial of the measure.

SUPPORT DOCUMENTS:

- Petition to Pass an Ordinance to Have Voter Photo ID for Elections
- State Statute 3-14-18
- City Attorney Legal Opinion

DEPARTMENT'S RECOMMENDED MOTION: Move to Deny Petition to Pass an Ordinance to Have Voter Photo ID For Elections

3-14-18 . Commission-manager; initiative; failure of commission to adopt; election.

A. In any commission-manager municipality, upon petition, signed by the qualified electors in a number more than twenty percent of the average number of voters who voted at the previous four regular municipal elections or more than twenty percent of the number of voters who voted at the previous regular municipal election, whichever is the greater, any measure may be proposed to the commission for enactment within thirty days of the date of verification of the petition. If the commission:

- (1) fails to act;
- (2) acts adversely; or
- (3) amends the proposed measure, the commission shall, within ten days of the expiration of the thirty day period, adopt an election resolution calling for the holding of a special election within ninety days of the expiration of the thirty day period for the purpose of submitting the measure to the electorate.

B. The ballot shall contain the proposed measure and the measure as amended, if the commission amends the proposed measure. After each measure there shall be printed the words:

"For", and

"Against",

followed by spaces for marking the ballot with a cross or check or other mark necessary for proper counting of the ballot, in order to cast a vote for the phrase desired.

C. The measure receiving a majority of the votes cast on that measure in its favor is adopted. If each measure receives a majority of votes cast on that measure in its favor, the measure receiving the greatest number of votes cast in its favor is adopted.

History: 1953 Comp., § 14-13-18, enacted by Laws 1965, ch. 300; 1985, ch. 208, § 114.

Karla Saylor

From: Larry Thrower [lthlaw@lthrowerlaw.com]
Sent: Wednesday, October 29, 2014 3:10 PM
To: Karla Saylor; Joshua Ray
Subject: Voter Photo ID For Elections Petition

Karla,

You have requested that I provide you with a legal opinion concerning the above matter.

According to the information and documents which you provided to me, a Petition To Pass An Ordinance To Have Voter Photo ID For Elections was turned in to your office by a local group seeking a citizen initiative on such action under Section 3-14-18 of the New Mexico Statutes. Pursuant to the state statute you certified the Petition as having the requisite number of valid voter signatures. The proposed measure will now go before the Aztec City Commission for consideration and action.

The legal question presented is whether such a municipal ordinance adding new voter identification requirements is preempted by New Mexico state law and thus prohibited. It is my opinion that the New Mexico Municipal Election Code (Chapter 3, Articles 8 and 9 NMSA 1978, 2013 Supplement) governs the conduct of all aspects of all municipal elections and that it does constitute state preemption of such municipal voter identification ordinances. Therefore, my legal advice to the City Commission will be that the Commission should decline to pass such an ordinance and that the special election requirement under Section 3-14-18 NMSA 1978 would not be triggered by their action.

The New Mexico Municipal Election Code sets out the law for all municipal elections in the state. It specifically provides at Section 3-8-1E. that "The Municipal Election Code shall govern the conduct of all aspects of all municipal elections ..." The Code then sets out specific provisions at Section 3-8-40 for determining if a person presenting to vote at the municipal polling place is a "qualified elector" entitled to vote in the election.

The above proposition of law that state law preempts municipal ordinances that alter or conflict with existing state law has been recognized by the New Mexico Court of Appeals in the case of Rio Grande Kennel Club v. City of Albuquerque, 144 N.M. 636, 190 P.3d 1131, (N.M. Ct. App. 2008). The Court in that case ruled that a municipal ordinance will conflict with state law when state law specifically allows or prohibits certain activities or is of such a character that local allowances of or prohibitions on those activities would be inconsistent with or antagonistic to that state law or policy. Simply stated, if the New Mexico Legislature wanted to adopt a Voter Photo ID law for municipal elections, it would do so. It has not done so, in spite of recent attempts to get such a state law passed.

Aztec is a non-home rule municipality and is one of five New Mexico Commission-Manager forms of municipal government. As such, Aztec does have the citizen initiative process which is set out in Section 3-14-18 NMSA 1978. However, the reasonable interpretation of that statute is that "any lawful measure may be proposed to the commission for enactment" (word "lawful" and emphasis added). For example, a measure proposing to legalize an act made criminal by state law would not be a lawful initiative measure requiring City Commission enactment or triggering a special election under Section 3-14-18. It is my opinion that, since the New Mexico Municipal Election Code preempts municipal voter identification ordinances such as the one proposed in this instance, it is not such a lawful measure and, therefore, does not require City Commission compliance with Section 3-14-18 requirements. The Commission may and should decline to pass the proposed measure. An aggrieved proponent of the measure would have the remedy of appealing the Commission's action to the New Mexico State District Court.

In conclusion, it is my legal opinion that the pending Voter Photo ID Petition should be placed on the agenda of the Aztec City Commission with a staff recommendation that the Commission decline to pass the measure due to its being preempted by state law.

Sincerely,

Larry T. Thrower
The Thrower Law Firm, P.C.
411 North Auburn
Farmington, NM 87401
505-325-6810
505-325-6167 (Fax)



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