

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, APRIL 17, 2024 AT 5:30 P.M. IN THE SAN MIGUEL COUNTY CHAMBERS.

MAYOR: David Romero

COUNCILORS: Marvin Martinez
Barbara Casey *via Cell Phone*
Michael L. Montoya
David Ulibarri

ALSO PRESENT: Tim Montgomery, City Manager
Casandra Fresquez, City Clerk
Caleb Marquez, Sergeant at Arms

CALL TO ORDER

Mayor Romero called the meeting to order at 5:30 pm.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri asked for a moment to recognize all the City employees who are working hard to keep the city going and to keep the families of those who have passed away in our prayers.

APPROVAL OF AGENDA

City Clerk Fresquez advised that the City Manager had a recommendation for an amendment to the agenda, the removal of Business Item 4.

Councilor Montoya made a motion to approve the agenda as amended. Councilor Casey seconded the motion. Mayor Romero asked if all were in favor. All were in favor.

PUBLIC INPUT

City Clerk Fresquez advised that there was no public input.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Appointment of Billie Matthews to the Museum Board.

Mayor Romero advised that Ms. Matthews has been involved with the Museum but was never put on the board.

Councilor Casey advised that she couldn't think of anyone more qualified and dedicated as Billie Matthews.

Councilor Montoya asked if she lived within city limits.

City Clerk Fresquez advised yes, next to the Carnegie Library.

Councilor Montoya made a motion to approve the appointment of Billie Matthews to the Museum Board. Councilor Martinez seconded the motion. Mayor Romero asked if all were in favor. All were in favor.

Mayor Romero asked City Clerk Fresquez to read a proclamation for "National Crime Victims' Week".

Mayor Romero asked Public Works Director Arnold Lopez to speak about Buen Vecino Awards for Marie Rubio and Carla Rubio who pick up trash daily during their walk around town.

Councilor Casey advised that she also sees them often and she thanks them for what they're doing.

Mayor Romero advised that Interim Utilities Director Travis Martinez and himself have been at the New Mexico Rural Water Association Conference and there were topics that he thinks they need to address as a Council. Mayor Romero advised that they need to address the lifespan of water meters. Mayor Romero asked for Events Planner Charles Griego to discuss events happening in Las Vegas.

Events Planner Charles Griego advised that the Earth Day event will be at the Riverwalk in conjunction with NMHU, Music in the Park will begin the first Friday in May through September and National Day of Prayer is on May 2nd.

Mayor Romero thanked the City Manager and staff for providing information to the public over the radio stations.

COUNCILORS' REPORTS

Councilor Casey advised that constituents called regarding speeding on New Mexico Avenue and Church Street. Councilor Casey advised that the mentoring students at Robertson High School would be having a presentation regarding the revitalization of the Abe Montoya Recreation Center.

Recreation Director Arturo Padilla advised that he was approached by a teacher regarding it being a class project to see if they could propose an addition to the Recreation Center.

Councilor Casey thanked Police Chief Caleb Marquez for helping with the congestion at the parent drop off/pick up.

Councilor Montoya advised that he received calls regarding the Public Works department doing an awesome job with pothole patching.

Councilor Martinez advised that he spoke with Public Works Director Arnold Lopez regarding a few issues.

Mayor Romero thanked the City Manager for spending time with the Police department and advised that he would also be spending time with the Fire department.

POLICE CHIEF'S REPORT

Police Chief Caleb Marquez gave a detailed presentation regarding the statistics for the Month of March on the following:

- Field Operations Division (patrol) calls
- Community Events
- Animal Care Center updates
 - Dogs (65) 3/1/24
 - Feline (15) 3/1/24
 - Dog end count (73)
 - Cat end count (19)
- Information Division/Records
- Street Crimes
 - Evidence seized
 - Attended Meetings
- Travel/Trainings
- Recruitment
- Department vacancies (30)

Councilor Montoya asked what the status was for the dash cameras.

Police Chief Marquez advised that all the cameras were installed in all units and everything is up and running.

Councilor Montoya asked what the status was regarding the property located south of the Police department.

City Manager Montgomery advised that they spoke with the owners and they are seeking an appraisal to move forward.

FINANCE REPORT

Mayor Romero welcomed Finance Director Morris Madrid and thanked Deputy Finance Director Dominic Chavez for stepping in.

Deputy Finance Director Dominic Chavez reported on the month of March and advised that the General fund had a revenue of (\$12,041,626), an expenditure of (\$10,068,634) and a surplus of (\$1,972,992), the Enterprise fund had a revenue of

(\$12,862,101), an expenditure of (\$11,789,167) and a surplus of (\$1,072,934), the Recreation department had a revenue of (\$425,459), an expenditure of (\$470,474) and a deficit of (\$45,015), the Lodger's Tax fund had a revenue of (\$490,430), an expenditure of (\$334,037) and a surplus of (\$156,393) and Cannabis fund had a revenue of (\$98,515), an expenditure of (\$2,442) and a surplus of (\$96,074).

Councilor Montoya advised that the Finance Report did go through the Finance Committee but there were concerns regarding some funds that are not being invested properly.

Discussion took place regarding the deficit in the Recreation fund.

Mayor Romero asked Finance Director Morris Madrid if there are any concerns the Council should be aware of.

Finance Director Morris Madrid advised no, but they will begin doing an analysis on cash balances, cash flow, restricted versus unrestricted, committed versus uncommitted and short-term versus long-term planning, which are all part of an investment strategy. Finance Director Madrid advised that the audit report is not a report of the entire city but is essentially a report card of the Finance department. Finance Director Madrid advised that everything in the audit report gets approved, analyzed and reviewed by the Finance department. Finance Director Madrid advised that the City is on a solid foundation and the audit was a very good report card.

PRESENTATIONS/POSSIBLE DIRECTION

Melissa Duran and Katie Lopez along with students from West Las Vegas School provided a lengthy presentation regarding the student Enlace project sponsored by the Hispano Round Table to focus on helping economic development in Las Vegas.

Mayor Romero advised that he hopes to bring back an Economic Development Committee.

Councilor Montoya advised that in the last two years they have done a lot for economic development such as the upgrades at the Airport, promoted filming in Las Vegas, promoted Las Vegas at the Balloon Fiesta, utilized Lodgers Tax monies for different events, beautified the Gallinas River and many other projects.

Councilor Ulibarri talked about the Rodriguez Sports Complex.

Councilor Martinez voiced his opinion regarding students considering what is in Las Vegas first before they leave out of town such as looking into attending NMHU because that would make the community a better place by having people stay in Las Vegas.

Mayor Romero thanked the West Las Vegas students for being there and advised that he would like to get their input by building a youth workforce to communicate what they would like to see in the community to help them stay in Las Vegas.

Michael Peranteau, Executive Director of MainStreet discussed the MainStreet de Las Vegas quarterly report. Mr. Peranteau discussed the following; Great Blocks project, their economic development report, two murals were completed and the last two were in the process of being selected, they had three service contracts, Earth Day trash pick up and fundraising/organizing facade squad.

Mayor Romero asked what area was selected for the facade squad.

Mr. Peranteau advised that the building was to the south of Railroad and Lincoln. Mr. Peranteau advised that they would be hosting a climate and environmental gathering on June 5th.

Councilor Ulibarri asked if they had looked at the gazebo at South Pacific Park.

Mr. Peranteau advised that they could have a condition report done on the gazebo at South Pacific Park.

Discussion took place regarding the Fram building.

Mayor Romero advised that they had discussed that the Councilors and the City would be involved in the locations of the murals and that hasn't happened. Mayor Romero advised that moving forward they need to stick to the scope of work in the contract that states Council would have input regarding the murals in their ward.

City Manager Montgomery advised that he spoke with Community Development Director Lucas Marquez in regards to options of installing steel piping close to the entrance to have a permanent structure for a mural at Rodriguez Park.

Mr. Peranteau advised that the mural for ward 3 would be on the wall of Lowes that faces towards Starbucks. Mr. Peranteau advised that he would meet with Councilor Casey to discuss the applications they received.

Councilor Montoya asked City Manager Montgomery how many times he's met with Mr. Peranteau.

City Manager Montgomery advised three or four times.

Amanda Lopez and Hadleigh Tyler with engineering consulting firm AECOM provided a lengthy update on the Peterson Dam Replacement Project. Ms. Lopez advised that the purpose of the project was to replace the existing dam and enlarge the existing reservoir to increase the reservoir storage. Ms. Lopez advised that the dam is an aging infrastructure and it doesn't meet the public safety requirements mandated by the Office of the State Engineer. Ms. Lopez advised that they would be moving forward with replacing the entire dam due to deterioration and seepage of the current dam. Discussion took place regarding their initial investigations of the dam, four dam alternatives and their proposed alternative for a concrete arch dam with a 10 foot raise. Ms. Lopez discussed the project schedule and the construction schedule.

Mayor Romero asked how long AECOM had been working on the Peterson Dam project.

Ms. Lopez advised that the URS corporation started helping with Peterson projects in 2007 but they have been working on their current project regarding Peterson Dam since 2019.

Mayor Romero asked how much the City spent on plan and design for the current Peterson Dam project.

Interim Utilities Director Travis Martinez advised that they have spent over \$500,000.

Mayor Romero asked who was involved in deciding on the certain design of the dam.

Ms. Lopez advised that the decision to move from rehab/repair to replacement was taken to the City Council and they were directed to move to replacement rather than repair/rehab. Ms. Lopez advised that it was done during a virtual meeting in 2021 regarding the alternative options.

Councilor Montoya asked when Peterson Dam was at full capacity.

Interim Utilities Director Martinez advised that it was currently at full capacity. Interim Utilities Director Martinez advised that it was at 200 acre feet and it can hold 211 acre feet.

Councilor Montoya asked how they would be addressing the issue of Peterson Dam being contaminated from the fire.

Interim Utilities Director Martinez advised that it was proposed to remove the water in the dam and clean it up right away.

Discussion took place regarding how much they would drain Peterson Dam during construction and the current acre feet of 211 increasing to 358 acre feet.

Councilor Martinez asked what was meant by “key historic features”.

Ms. Lopez advised that they work with the State Historic Preservation Office because the dam is considered a historic feature. Ms. Lopez advised that during their initial consultation with the State Historic Preservation Office they asked that the 1911 placard be displayed and for the dam to mimic the same arch look.

Councilor Martinez asked what the lifespan of the new dam would be.

Ms. Lopez advised that they would expect it to last about 100 years and advised that it was still safe to store water in the existing dam and it was rated in fair condition.

Mayor Romero asked if the figures stated were current projections.

Ms. Lopez advised that the \$12 and \$17 million figures were proposed in 2022 so they were a bit aged. Ms. Lopez advised that they could go back and update the numbers.

Mayor Romero asked if there were steps that need to be approved through the Office of the State Engineer due to the increased capacity of water storage.

Ms. Lopez advised that a Public Report is owed to the State Engineer and AECOM helps the City develop that. Ms. Lopez advised that the State Engineer was aware of the proposed increase and they are following all the laws as far as environmental permitting and water storage rights.

CONSENT ITEMS

There were no consent agenda items.

BUSINESS ITEMS

1. Presentation/Request approval of Resolution No. 24-14, acceptance and approval of the Fiscal Year 2023 Audit.

Heather Lucero with Pattillo, Brown & Hill, LLP provided a lengthy discussion of the FY 2023 audit report. Ms. Lucero discussed three findings regarding the following; the first finding was Internal Control over cash disbursements regarding invoices being paid before a PO was issued, the second finding was Internal Control over cash receipts regarding items that were not deposited within 24 hours per state statute and cash receipts where they were not able to obtain documentation supporting the cash receipts and the third finding was Internal Control over cash collection regarding checks from Community Development that had not been deposited over a span of years totaling about \$6,000. Ms. Lucero discussed the progress from last year regarding six out of seven audit findings being resolved with one remaining pertaining to cash disbursements.

Mayor Romero advised that they did good with three audit findings compared to most communities. Mayor Romero advised that the findings they did have were self-reported by the Governing Body. Mayor Romero advised that the findings were already taken care of by City Manager Montgomery and Deputy Finance Director Chavez. Mayor Romero thanked the Governing Body for doing their job as they are the ones held accountable for tax payers money.

Ms. Lucero advised that audit findings aren't necessarily a bad thing, they are ways a City can make improvements.

Councilor Casey asked if the City had a certified procurement officer.

City Manager Montgomery advised yes, Helen Vigil was the certified procurement officer who does a great job in keeping them in line and coaching them in proper procurement code. City Manager Montgomery advised that he's working with Ms.

Vigil to implement a mandatory procurement training session for directors, managers and anyone who puts together procurement documents.

Councilor Montoya thanked Ms. Lucero for her presentation and Deputy Finance Director Chavez and advised that Morris Madrid was the new Finance Director.

Councilor Montoya made a motion to approve Resolution 24-14, acceptance and approval of the Fiscal Year 2023 Audit. Councilor Casey seconded the motion.

Resolution 24-14 was presented as follows:

**CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 24-14**

ACCEPTANCE AND APPROVAL OF THE FY 2023 AUDIT

WHEREAS, the City of Las Vegas is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for FY 2023; and

WHEREAS, the City of Las Vegas Governing body has directed the accomplishment of the audit for FY2023 be completed; and,

WHEREAS, this audit has been completed and presented to the City of Las Vegas Governing Body per the April 4, 2024 letter from the State Auditor authorizing release of the FY 2023 audit; and

WHEREAS, NMAC 2.2.2.10 (M) (4) provides in pertinent part that “Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar day has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to quorum of the governing authority of the agency at meeting held in accordance with the Open Meetings Act, if applicable, and,

NOW, THEREFORE BE IT RESOLVED the City Council of the City of Las Vegas hereby accept and approve the completed audit report and findings as indicated within this document.

ACCEPTED AND APPROVED this ____ day of April 2024.

Mayor, David Romero

ATTEST:

Casandra Fresquez, City Clerk

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

Marvin Martinez	Yes	Barbara Casey	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

2. Request approval of Resolution 24-13, a budget adjustment for the 2023-2024 fiscal year budget.

Councilor Martinez made a motion to approve Resolution 24-13, a budget adjustment for the 2023-2024 fiscal year budget. Councilor Montoya seconded the motion.

Resolution 24-13 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO

Resolution No. 24-13

A RESOLUTION TO MAKE BUDGET ADJUSTMENT FOR THE 2023-2024 FISCAL YEAR

WHEREAS, the Governing Body of the City of Las Vegas has developed a budget adjustment request for fiscal year 2023-24; and

WHEREAS, said budget was developed on basis of increases in revenue, expenditure and transfer (in) out through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the City of Las Vegas is in need of making a budget adjustment in the 2023-24 fiscal year budget to include an exp increase to Fund 101-5400 – General Services in amount of \$440,132 for an additional 1.5 inches of asphalt on Legion Drive to increase the thickness to 5 inches.

WHEREAS, the Governing Body finds the budget adjustment request should be as it meets the requirements as currently determined for fiscal year 2023-24; and,

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

ACCEPTED AND APPROVED this day ____ of April 2024.

Mayor David G. Romero

ATTEST:

Casandra Fresquez, City Clerk

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

David Ulibarri	Yes	Barbara Casey	Yes
Michael L. Montoya	Yes	Marvin Martinez	Yes

City Clerk Fresquez advised the motion carried.

3. Request approval of Addendum #2 to Contract #3904-22 with Suina Design & Architecture for architectural and engineering services.

Councilor Casey made a motion to approve addendum #2 to Contract #3904-22 with Suina Design & Architecture for architectural and engineering services. Councilor Montoya seconded the motion.

Interim Utilities Director Travis Martinez advised that the contract was for architectural and engineering services and no division was utilizing it at the moment.

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

Marvin Martinez	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

4. Request approval of encroachment agreement between the City of Las Vegas and Rose Marie Padilla.

Eugenio Mathis advised that he was there to represent Ms. Padilla.

Charles Griego advised that the property was located at 2716 New Mexico Avenue and it was taken to the Planning and Zoning Commission on December 27, 2023. Mr. Griego advised that Ms. Padilla was asking to enter into an encroachment agreement for the property that is zoned as a R-3. Mr. Griego advised that Ms. Padilla was working on conducting a lot line adjustment for her property but first she had to address an encroachment issue that was existing in the front portion of the property. Mr. Griego advised that Ms. Padilla built a carport/garage and according to a survey conducted the structure encroaches approximately 9 feet onto City right of way. Mr. Griego advised that no building permit for the garage had been located by the City, so they did not pull a permit for the structure.

Councilor Martinez asked when the carport was built.

Mr. Griego advised that it was built in 2018.

Councilor Martinez asked what the recommendation was from the Planning and Zoning Commission.

Mr. Griego advised that they approved it.

Councilor Martinez asked who installed the carport.

Planning and Zoning Coordinator Charles Ortiz advised that it was installed by Floyd's Rental.

Councilor Martinez asked if Floyd's Rental got a permit to install it.

Mr. Griego and Mr. Ortiz advised no.

Mr. Mathis advised that the property was located at the far end of New Mexico Avenue across from where West Las Vegas parks their buses. Mr. Mathis advised unless the City intends to make New Mexico Avenue a four lane street there is no

reason the encroachment shouldn't be approved. Mr. Mathis advised that the carport was 25 feet from the curb, which does encroach on the right of way but not on the street. Mr. Mathis advised that no permits were acquired but Ms. Padilla feels that in good faith that the City should approve the encroachment and allow the structure to remain there so she could proceed with a lot line adjustment.

Mr. Griego advised that the City owns city housing on the other side and should the City decide to do something with that roadway it would interfere with it as well as the height encroaching into the PNM side.

Mr. Mathis advised that someone created a road off of New Mexico Avenue to the housing projects that is adjacent to the property. Mr. Mathis advised that he can't imagine there would be a need to widen the roadway.

Councilor Montoya asked what the staff's recommendation was.

Mr. Griego advised that they recommend it not be approved.

Councilor Casey voiced her concerns regarding the encroachment of 9 feet and not having a permit to place the carport. Councilor Casey advised that people need to follow regulations.

Mr. Mathis advised that they were not aware of the staff's recommendation and asked if the item could be tabled for the next meeting so Ms. Padilla could be there.

Mr. Griego advised that Ms. Padilla was aware of the issue in December when it was presented during the Planning and Zoning meeting. Mr. Griego advised that staff did reiterate several times that there was no permit approved. Mr. Griego advised that if they move forward and approve it, it would set precedence.

Councilor Ulibarri asked if Code Enforcement cited Ms. Padilla.

Mr. Griego advised that he didn't believe they had.

Councilor Montoya asked if Ms. Padilla was notified about the April 17th Council meeting.

Mr. Griego advised yes, a phone call was made to Ms. Padilla.

Councilor Montoya asked if the phone call was documented in the packet.

Mr. Griego advised no because the packet had gone out before the phone call.

Councilor Montoya made a motion to table the item until the next Council meeting. Councilor Uilbarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Marvin Martinez	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

- 5. Request approval to submit an SB6 loan application to DFA for FEMA project 690381 in the amount of \$14,964,619.00.

City Manager Montgomery advised that the City had an opportunity to utilize a zero interest loan based on the fact that there are several claims submitted to FEMA. City Manager Montgomery advised that FEMA would permit the City for a no interest loan to move forward with projects.

Mayor Romero advised that Ms. Clarity had said that the City had been approved for FEMA funding for debris removal in the amount of \$14,964,619.00. Mayor Romero advised that it takes some time for FEMA to provide the money so they would utilize Senate Bill 6. Mayor Romero advised that they would submit an

application for what was already approved through FEMA and receive that money. Mayor Romero advised that the money would be put in the bank to start earning interest.

Councilor Montoya advised that he asked the prior administration to move forward with receiving the funding 6 months ago. Councilor Montoya advised that he and San Miguel County Chairman Garcia both testified for Senate Bill 6 for emergency funding. Councilor Montoya advised that he hoped it would include the clean up of Gallinas River.

Mayor Romero advised that SB6 required a project being approved through FEMA prior to applying. Mayor Romero advised that the sediment removal in the amount of \$14,964,619.00 was approved. Mayor Romero advised that out of \$100,000,000 there is about \$30,000,000 left and Ms. Clarity is working diligently to get additional funding for the City.

Councilor Montoya made a motion to submit an SB6 loan application to DFA for FEMA project 690381 in the amount of \$14,964,619.00. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Barbara Casey	Yes
Marvin Martinez	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Montoya made a motion to convene into executive session for the purpose of discussing Limited personnel matters, as permitted by section 10-15-1(H)(2) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on the Professional Services contract for Police Chief. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	Marvin Martinez	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

Councilor Montoya made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing limited personnel matters, as permitted by section 10-15-1(H)(2) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on the Professional Services contract for Police Chief, no other items were discussed and no action was taken. Councilor Ulibarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	Marvin Martinez	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

EXECUTIVE SESSION ACTION ITEMS

1. Request approval of the Professional Service contract for Police Chief Caleb Marquez.

Councilor Montoya made a motion to table the Professional Service contract for Police Chief Caleb Marquez until the next Regular City Council meeting. Councilor Casey seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Marvin Martinez	Yes
Barbara Casey	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

ADJOURN

Councilor Casey made a motion to adjourn.

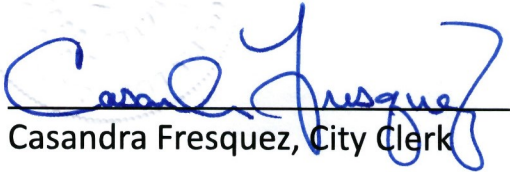
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 8:30 pm.



Mayor David Romero

ATTEST:



Casandra Fresquez, City Clerk