

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, OCTOBER 16, 2024 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MAYOR: David Romero

COUNCILORS: Marvin Martinez
Barbara Casey
Michael L. Montoya
David Ulibarri ***Absent***

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

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

City Manager Tim Montgomery thanked our heavenly father for bringing them together to support the city. City Manager Montgomery thanked City staff, Council and supporting committees for focusing on the city and doing the best for the city.

Mayor Romero asked for prayers for Councilor Ulibarri for a speedy recovery.

APPROVAL OF AGENDA

Councilor Martinez made a motion to move Business Item 10 before Business Item 1. Councilor Casey seconded the motion.

Councilor Montoya advised that he wanted Business Item 10 removed from the agenda due to it not having merit.

Mayor Romero asked if that was an amendment to the motion.

Councilor Montoya advised no.

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

Barbara Casey	Yes	Marvin Martinez	Yes
Michael L. Montoya	No		

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

Lee Einer spoke on the censure of Councilor Montoya and stated that the City has taken a hit in public perception because of the actions of one City Councilor. Mr. Einer stated that the City Charter is the roadmap of how things should be operating at the City. Mr. Einer further stated that the Governing Body was a deliberative body that is tasked with establishing policies and enacting legislation. Mr. Einer stated City Councilors individually have no power, all power is vested in the Governing Body as stated in the City Charter. Mr. Einer also stated that the City Manager is tasked with the day to day operations of the city. Mr. Einer stated it is beyond City Councilors scope of authority and responsibility when they overreach or take it upon themselves to be directing department heads or abuse city employees. Mr. Einer further stated that they should censure that behavior and consider developing and enacting a city ethics ordinance so there is a better tool for managing that type of behavior.

MAYOR’S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Appointment of Dr. Veena Parboteeah, Dean of School of Business with NMHU to the Economic Development Committee.

Councilor Montoya made a motion to approve the appointment of Dr. Veena Parboteeah, Dean of School of Business with NMHU to the Economic Development Committee. Councilor Casey seconded the motion. 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		

City Clerk Fresquez advised the motion carried.

Mayor Romero advised that the Balloon Fiesta went well and Events Planner Charles Griego was working on the daily count of visitors. Mayor Romero advised on October 26th the City is working with Highlands on an event to acknowledge all First Responders.

COUNCILORS' REPORTS

Councilor Casey advised she received several phone calls from constituents who live on Railroad Avenue regarding speeding in the area and was asked if they could have a speed bump, a stop sign or more police presence.

Councilor Montoya advised that a constituent reported weeds in the alleyway by the Recreation Center and the trash bin at Pino's Truck Stop being full of trash. Councilor Montoya advised that Legion Drive was 95% completed and also thanked the citizens of Las Vegas for being patient during that construction.

POLICE CHIEF'S REPORT

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

- Field Operations Division (patrol) calls
- Communication Division (dispatch) calls

- Animal Care Center-updates/events
- Information Division/Records
- Street Crimes Division updates
- Evidence seized
- Travel/Trainings/Traffic Operation programs
- Recruitment updates
- Community Events
- Department vacancies (24)
- New hires (2)

Councilor Martinez advised that he met with City Manager Montgomery to see how they could establish a better boundary system regarding City Police, State Police and Sheriffs.

FINANCE REPORT

Finance Director Morris Madrid discussed the following;

- General fund
 - General Services expenditures/actuals
- Enterprise fund revenues
 - 6% in natural gas (seasonal)
- Recreation fund
 - Other operating expenses (\$1.7 million unspent includes \$1.5 budgeted for the roof)
- Cash/Investment Report
- Feedback from the Finance Committee regarding the Investment Policy

PRESENTATIONS/POSSIBLE DIRECTION

City Manager Tim Montgomery provided a lengthy presentation regarding an update on the Rodriguez Sports Complex. City Manager Montgomery discussed funding that has been used towards the Rodriguez Sports Complex. City Manager Montgomery discussed having an archaeological study done using phase II funding, ensuring that they have drainage plans using phase II funding and having

a complete architectural and design plan that correlates with the concept design that was approved a few years ago. City Manager Montgomery discussed the action plan once the archaeological study is completed. City Manager Montgomery discussed bid lot examples for the remainder of funding.

Councilor Montoya asked for the presentation to be placed on the City website so the public could see what is going on with the Rodriguez Park.

BUSINESS ITEMS

10. Approval of censure of City Council member Michael Montoya.

Councilor Casey delivered her censure statement on Councilor Michael Montoya regarding illegal and unethical actions he has taken. Councilor Casey made a motion to approve the censure of City Council member Michael Montoya. Councilor Martinez seconded the motion.

Councilor Montoya asked Contracted City Attorney Geno Zamora if he was aware of the allegations and claims against him.

Mr. Zamora advised that he was aware that the agenda item was requested and placed on the agenda. Mr. Zamora advised that he was consulted regarding the language for the agenda and stated as per attorney services he could be consulted by the Mayor or by Councilors. Mr. Zamora advised he would not disclose any type of confidential communications in open session.

Councilor Montoya asked if Councilor Casey contacted him.

Mr. Zamora advised that the protocols are that the Mayor or Council can contact the attorney.

Councilor Montoya also provided a statement advising that the item shouldn't have been on the agenda without supporting documentation or proof of any wrongdoing. Councilor Montoya stated that it may be true that Councilor Casey received complaints against him and advised that he has not been formally notified of any complaints made against him, he has not been questioned or

investigated related to any allegations. Councilor Montoya advised that he did not harass or intentionally intimidate any employee and would willingly comply with any formal investigation to prove his innocence. Councilor Montoya advised until he is found to have committed any illegal, unethical, immoral act or violated the Code of Conduct Act he would continue to represent the citizens of Ward 2 and the City of Las Vegas.

Mayor Romero advised that he met with Councilor Montoya on October 7th and they know for a fact that there were reports written and video evidence.

Councilor Montoya acknowledged that they did have a meeting and advised that there was no documentation and it was all hearsay. Councilor Montoya advised that he has not been informed by any attorney or HR of such claims.

Mayor Romero advised as stated in the Charter he has the ability to contact the attorney.

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

Barbara Casey	Yes	Marvin Martinez	Yes
Michael L. Montoya	No		

City Clerk Fresquez advised the motion carried.

Councilor Martinez advised as Councilors they have to do what's right for the community. Councilor Martinez advised that they have to work together and should be representing themselves as a team.

1. Presentation and Discussion on water research for consideration of the No Bull Meat Processing facility.

City Manager Tim Montgomery discussed a Water Analysis regarding the following;

- Current Water production

- Major water crisis (June 21, 2024)
- The City Water system is producing water
- Secured Veolia Actiflo Treatment system (producing 1.3 million gallons per day)
- Annual production is 1,456 acre feet
- Currently have 7.0 million gallons of water in reserves
- Bradner reservoir has about 30 days of water supply
- Current Water use
 - Annual City use 1,232.16 acre feet
 - Active water services 7,218
- Potential Water use
 - Inactive water services-891
 - Vacant City customers-400
 - NMHU-30
 - ETZ potential customers-2,400
- No Bull Meat Packing (used previous packing plants)
 - Daily average used 1,920.43 gallons
 - Monthly average-44,170 gallons
 - Annual average-530,040 gallons
 - Annual acre foot-1.6 acre feet
 - Could have a deficit of 187 acre feet
- Moratorium/NM State Statute discussed
 - (§ 3-27-8)
 - The City of Las Vegas Moratorium adopted resolution 06-11
- Things to consider
 - Water meter placed inside city limits on Mr. Bibbs property (easement required)
 - NMDOT permission to bore across I-25 (easement required)
 - About 3 years to bring in the new Water Treatment plant
 - Water availability could be impacted by drought, actiflo system, storage capacity, etc.

City Manager Montgomery advised that he can't provide direction one way or the other. City Manager Montgomery advised that the current plant has the capacity to provide services within the city to every home, vacant home and vacant lot. City Manager Montgomery advised that the No Bull meter would be within the city limits and there would be obstacles that No Bull would have to take on.

Councilor Martinez asked about Taylor Wells.

City Manager Montgomery advised that the Taylor Wells are for backup in case of emergencies. City Manager Montgomery advised that they need to be strategic as to how they draw down from the wells because the aquifer is seasonally based and would take a considerable amount of time to replenish/refill. City Manager Montgomery advised that it would have an impact on the surrounding neighborhoods that rely on that water.

Councilor Montoya thanked City Manager Montgomery for the report and advised that the Taylor Wells would only supply those in zone three and not the whole City. Councilor Montoya advised that they need to save every drop of water they can for the citizens of Las Vegas and the businesses after dealing with the fires and the water crisis. Councilor Montoya voiced his opinion regarding not being able to afford to give water outside of city limits. Councilor Montoya advised that the plant can only produce so much and the new plant is about 3 years away.

Mayor Romero advised that those who live in the ETZ utilize the services in the City.

Councilor Casey asked how many meters are within the ETZ that are currently getting water.

City Manager Montgomery advised that they are trying to pull that data to see.

Discussion took place regarding how Las Vegas is expected to grow if water can't be provided to businesses in the ETZ areas and looking into other water resources like aquifers.

Councilor Martinez advised that he's a businessman and looks for ways to increase the community and get it to a stable place. Councilor Martinez advised that he understands the need to fix the water issue first but the trend in the community for several years has remained the same with businesses closing down. Councilor Martinez hopes they could bring in infrastructure and productive businesses to bring in gross receipts tax.

Discussion took place regarding updating the Moratorium and ordinance.

2. Request to enter into a Professional Services Contract with MainStreet de Las Vegas for fiscal year 2024/2025.

Community Development Director Lucas Marquez discussed some changes to the Professional Services agreement such as the length of the contract being shortened due to Michael Peranteau retiring, the amount in the contract is more due to inflation costs, they are no longer housed in a City building and the quarterly cost will be \$10,000 each quarter.

MainStreet de Las Vegas Director Makahla Harapat advised that they are located at 527 Grand Avenue.

Councilor Martinez asked to discuss what the MainStreet boundaries were.

Community Development Director Marquez advised that the boundaries are Railroad Avenue, Douglas Avenue and Bridge Street. Community Development Director Marquez advised that MainStreet revitalizes the businesses in downtown areas.

Councilor Casey asked about the grant that was received by MainStreet to pay for the murals around town and if the payment issue was resolved.

Ms. Harapat advised no, in 2023 the National Endowment of the Arts sent \$10,000 to the City and MainStreet has yet to receive the funds to continue or complete the murals.

City Manager Montgomery advised that they did resolve the invoicing issue.

Finance Director Madrid advised that the check should be ready in a week.

Councilor Montoya made a motion to approve to enter into a Professional Services Contract with MainStreet de Las Vegas for fiscal year 2024/2025. Councilor Casey seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Marvin Martinez	Yes	Michael L. Montoya	Yes
Barbara Casey	Yes		

City Clerk Fresquez advised the motion carried.

3. Request approval of Lodgers' Tax Boards recommendation for funding in the amount of \$4,800.00 to Las Catrinas for their Dia De los Muertos event.

Councilor Casey made a motion to approve the Lodgers' Tax Boards recommendation for funding in the amount of \$4,800.00 to Las Catrinas for their Dia De los Muertos event. Councilor Martinez seconded the motion.

Councilor Montoya asked why the application stated \$5,000.

Community Development Director Marquez advised that the recommendation was for \$4,800. Community Development Director Marquez advised that \$3,000 would be used for the band and the remaining amount would be used towards advertisements.

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

Michael L. Montoya	Yes	Marvin Martinez	Yes
Barbara Casey	Yes		

City Clerk Fresquez advised the motion carried.

4. Request approval of a Lease between the City of Las Vegas and the San Miguel del Bado Land Grant committee for FY25.

Community Services Director June Tafoya advised that the lease agreement is on an annual basis.

Councilor Casey made a motion to approve the Lease between the City of Las Vegas and the San Miguel del Bado Land Grant committee for FY25. Councilor seconded Martinez the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	Michael L. Montoya	Yes
Marvin Martinez	Yes		

City Clerk Fresquez advised the motion carried.

5. Consideration to approve the restructuring of the Community Services Senior Center Organizational Chart by modifying job titles.

Community Services Director June Tafoya advised that she was proposing several changes to job titles.

Councilor Casey made a motion to approve the restructuring of the Community Services Senior Center Organizational Chart by modifying job titles. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Marvin Martinez	Yes	Michael L. Montoya	Yes
Barbara Casey	Yes		

City Clerk Fresquez advised the motion carried.

6. Discuss, review and guidance given for the use of the Cannabis Funds and Opioid funds.

Finance Director Morris Madrid advised the Finance Committee had some questions regarding what the restrictions are for the funds, what the cash balances were and what the appropriate uses for them are. Finance Director Madrid advised that the opioid funds are derived from a settlement between the State of NM and a pharmacy. Finance Director Madrid advised that the opioid funds were entirely unrestricted. Finance Director Madrid advised that the Cannabis funds were derived from an action taken by the Legislature and is considered to be an excise tax. Finance Director Madrid advised its a recurring tax and there are no defined or legal restrictions. Finance Director Madrid advised that there was about \$1.2 million in the Opioid fund and about \$270,000 in the Cannabis fund.

Councilor Casey advised when they first heard about the Cannabis and Opioid funds, Council had discussed directing the Cannabis money to the Police department to focus on drug issues in the community, training for Officers and needed equipment.

Councilor Martinez suggested that some of the funding go towards the Recreation Center, graffiti cleanup and student training in Police or Fire.

Councilor Montoya advised that they gave Police and Fire \$40,000 each and advised that he would support more funding going to the Police department for different programs within schools. Councilor Montoya advised that he would also support giving the Samaritan House \$100,000 from the Cannabis fund but specify what it needs to be used for. Councilor Montoya advised a member of the Finance

Committee suggested hiring an individual to run a D.A.R.E. program for kids. Councilor Montoya advised that the parks were also in need of repairs.

Finance Director Madrid recommended having a list of priorities/projects to use the funding on.

Mayor Romero advised getting input from the community and schools.

City Manager Montgomery recommended putting together a proposed budget plan, discussing why they are seeking funding and gaining approval. City Manager Montgomery advised they could reach out to the schools and communicate with different individuals.

Councilor Casey agreed with City Manager Montgomery.

7. Request approval of Resolution 24-31, a budget adjustment for the 2024-2025 fiscal year.

Finance Director Morris Madrid discussed the following; an appropriation for the library, an appropriation in the amount of \$245,958 for Law Enforcement Recruitment and Retention, an appropriation in the amount of \$75,000 received from the Firefighter EMT Recruitment fund and a Cooperative agreement with NM Tourism (NMTrue program) to promote communities.

Councilor Casey made a motion to approve Resolution 24-31, a budget adjustment for the 2024-2025 fiscal year. Councilor Martinez seconded the motion.

Resolution 24-31 was presented as follows: *Due to the length of the document, a complete copy may be obtained from the City of Las Vegas, City Clerk's Office.*

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

Michael L. Montoya Yes
Barbara Casey Yes

Marvin Martinez Yes

City Clerk Fresquez advised the motion carried.

8. Review, discuss and request approval of the Veolia Actiflo long term lease and winterize project.

City Manager Montgomery advised that the lease was effective on June 28, 2024 and under Term and Termination, Section 2.1 (A), “the effective date and terminate 16 full weeks after the Rent Commencement Date”. City Manager Montgomery advised that date would be October 22, 2024 and was seeking Council's approval to permit him to sign the agreement again. City Manager Montgomery advised that the equipment was being funded by FEMA and advised that he’s seeking to extend the use of the equipment until the permanent Water Treatment Plant is in place. City Manager Montgomery advised that he added winterizing the equipment which was a requirement.

Councilor Casey advised for clarification, it's not costing the City anything and the money is coming from FEMA. Councilor Casey asked how much it was.

City Manager Montgomery advised currently it's \$34,000 a month and they would negotiate down the monthly payment to \$22,000 a month and extend it for three years.

Councilor Montoya asked how he felt about the system.

City Manager Montgomery advised it took a considerable amount of time to get the system up and running but he was happy with the system. City Manager Montgomery advised they have quality water to drink and it’s safe to drink.

Councilor Montoya asked what the capacity was for the system.

City Manager Montgomery advised at least 1.5 million gallons per day.

Councilor Montyoya made a motion to approve of the Veolia Actiflo long term lease and winterize project. Councilor Casey seconded the motion. 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		

City Clerk Fresquez advised the motion carried.

9. Consideration to approve the restructuring of the Executive Department Organizational Chart by adding a Mayor Liaison/Public Information Officer (PIO) position.

City Manager Montgomery advised the position would work closely with the Governing Body, along with updates to the website.

Councilor Casey made a motion to approve the restructuring of the Executive Department Organizational Chart by adding a Mayor Liaison/Public Information Officer (PIO) position. Councilor Martinez seconded the motion.

Discussion took place regarding combining the Mayor's Administrative Assistant position and the PIO position, and the position being hourly.

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

Marvin Martinez	Yes	Michael L. Montoya	Yes
Barbara Casey	Yes		

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Casey 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 removal of the Parks and Recreation Director. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	Yes
Marvin Martinez	Yes		

City Clerk Fresquez advised the motion carried.

Councilor Casey 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 removal of the Parks and Recreation Director, no other items were discussed and no action was taken. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	Yes
Marvin Martinez	Yes		

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION ACTION ITEMS

1. Request removal of Arturo Padilla as Parks and Recreation Director.

Councilor Casey made a motion to approve the removal of Arturo Padilla as Parks and Recreation Director. Councilor Martinez seconded the motion.

Councilor Montoya asked City Manager Montgomery if it was his recommendation.

City Manager Montgomery advised yes.

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

Barbara Casey	Yes	Michael L. Montoya	Yes
Marvin Martinez	Yes		

City Clerk Fresquez advised the motion carried.

ADJOURN


Councilor Casey made a motion to adjourn. Councilor Martinez seconded the motion.

Meeting adjourned at 8:50 pm.



Mayor David Romero

ATTEST:



Casandra Fresquez, City Clerk