

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, MAY 15, 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 to keep his two neighbors who are sick in their prayers.

APPROVAL OF AGENDA

Councilor Martinez made a motion to approve the agenda as presented. 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 Elmer Martinez to Lodger’s Tax Board.

Councilor Montoya made a motion to approve the appointment of Elmer Martinez to Lodger’s Tax Board. 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

City Clerk Fresquez advised the motion carried.

Appointment of the following individuals to the Charter Commission:

Meredith Britt – Ward 3

Joseph Cruz – Ward 4

Matt Martinez – Municipal Judge’s Recommendation

Ashley Arellanes – Mayor’s Recommendation

Councilor Casey made a motion to approve the appointment of Meredith Britt, Joseph Cruz, Matt Martinez and Ashley Arellanes to the Charter Commission. Councilor Montoya 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.

Councilor Montoya asked if City Manager Tim Montgomery could meet with the Charter Commission and provide them with guidelines, legal assistance and a timeline.

Mayor Romero advised that once the Charter Commission is filled they could have a meeting with them.

City Manager Montgomery advised that they are still working on the RFP for legal services for the City Charter.

Mayor Romero thanked the Governing Body for attending events in the community. Mayor Romero advised that he's received many calls regarding a rumor pertaining to the status of the City Manager and stated that he supported City Manager Montgomery one hundred and ten percent. Mayor Romero advised that he wanted to make it clear that City Manager Montgomery would not be going anywhere while he is Mayor. Mayor Romero advised that they were looking for a transparent and ethical City Manager and that's who City Manager Montgomery is.

Councilor Casey agreed with Mayor Romero.

COUNCILORS' REPORTS

Councilor Casey thanked the Police department regarding traffic control on Mountain View and Legion at both schools. Councilor Casey thanked City Manager Montgomery, Public Works Director Arnold Lopez and Executive Office Manager Mary Jean Aragon for always being responsive to her requests. Councilor Casey also thanked City staff for all the hard work they do.

Councilor Montoya discussed issues at Solid Waste such as hours of operations, the schedule for dumping trailers and trash pick-up delays. Councilor Montoya advised that if Solid Waste is closed they are going to have people dumping trash and tires in alleys, in County or State roads.

Councilor Ulibarri asked if someone could cut the weeds growing around stop signs in his ward.

Councilor Martinez thanked staff for all their hard work and advised that he had attended the Noches de Familia event.

POLICE CHIEF’S REPORT

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

- Community Events
- Street Crimes
 - Evidence seized
 - Attended Meetings
- Animal Care Center updates
 - Dogs (28) 4/1/24
 - Feline (18) 4/1/24
- Field Operations Division (patrol) calls
- Information Division/Records
- Travel/Trainings
- Recruitment
- Department vacancies (30)

Councilor Martinez asked how many vacant Police Officer positions there were.

Police Chief Marquez advised thirteen.

Councilor Ulibarri asked if they would be moving the speed trap on Legion.

Police Chief Marquez advised they would be moving it, but they were assisting the construction crew with it during the Legion Drive project.

Councilor Ulibarri asked if they could have Police patrol the area by Rodriguez Park due to people running stop signs.

Councilor Montoya asked if there was state funding available for recruitment.

Police Chief Marquez advised that they still had the Law Enforcement stipend fund and Retention fund available but the monies would revert back if not used by June 30th.

Councilor Montoya commended the Police department staff for staying with the City and suggested having a stand during the 4th of July Fiestas and Balloon

Fiestas for recruitment. Councilor Montoya advised that he noticed 28 street lights were out between Hot Springs and 7th Street which could be a safety issue for Police Officers. Councilor Montoya thanked Police Chief Marquez and his department for all they do and for his leadership.

Mayor Romero asked about vacant Communication Specialist positions.

Police Chief Marquez advised that they will be having one Communication Specialist who would be going on leave.

Mayor Romero asked if they had part time Communication Specialist positions.

Police Chief Marquez advised that they do but those who are part time attend school or have other jobs.

FINANCE REPORT

Finance Director Morris Madrid advised that the finance report shows that the City is in a healthy financial condition, other than the Recreation department having a deficit due to summer programs not currently underway. Finance Director Madrid advised that the Solid Waste department was collecting less than what they're spending. Finance Director Madrid advised that all the departments had healthy budgets, primarily due to vacancy savings. Finance Director Madrid advised that the finance report was presented to the Finance Committee and they identified issues of concerns such as \$8 million budgeted for Natural Gas, only \$6.5 was collected and \$4.6 was spent. Finance Director Madrid advised that in general there are no concerns and will finish the fiscal year financially healthy.

Councilor Martinez asked who prepares the budget for Solid Waste.

Finance Director Madrid advised that he works with the Utilities Director and Manager and discussed the process when working on budgets with department Directors.

Councilor Casey asked if she could have a monthly check register emailed to her.

Deputy Finance Director Dominic Chavez advised that he does email a monthly check register to Mayor and Council.

Councilor Casey advised that she did not receive one for May.

Councilor Montoya discussed having a list to see how they could utilize the money from the Enterprise fund, Lodgers Tax fund, Cannabis fund and Opioid fund.

APPROVAL OF MINUTES

Councilor Montoya made a motion to approve the minutes from April 29, 2024. Councilor Casey seconded the motion. Mayor Romero asked if all were in favor. All were in favor.

PRESENTATIONS/POSSIBLE DIRECTION

Elias Trujillo along with David Luna with the Las Vegas – San Miguel Chamber of Commerce provided the first quarterly report for Fiscal Year 2024/2025. Mr. Trujillo advised that they are staffed 7 days a week and they have had a spike in visitors. Mr. Trujillo also spoke about events that they would be having.

Discussion took place regarding what it takes annually to run the Chamber of Commerce.

Councilor Montoya acknowledged Philip Martinez and Angie Lyster for doing a lot while they were with the Chamber of Commerce. Councilor Montoya asked if they send out thank you for visiting Las Vegas letters to those who go into the Visitor's Center.

Mr. Trujillo advised no, they just keep track of how many people go into the Visitor's Center and they speak with them about what Las Vegas has to offer.

Councilor Montoya asked how much the County contributes and if they've considered filing a claim with FEMA.

Mr. Trujillo advised that they receive \$40,000 from the County and no they haven't had that discussion on filing a claim.

Mayor Romero thanked Mr. Trujillo and Mr. Luna for stepping up and advised that Philip Martinez and Angie Lyster had done an awesome job when they were there. Mayor Romero asked to look into Lodgers Tax being able to fund the Chamber of Commerce since they recruit and work with businesses.

Mr. Trujillo advised that Angie Lyster would be helping them on a volunteer basis.

Mayor Romero discussed how the City helps with seed money and non-profits should be generating funding on their own.

CONSENT ITEMS

There were no consent agenda items.

BUSINESS ITEMS

Councilor Casey made a motion to enter into a Public Hearing for Business Items 1-4. Councilor Martinez seconded the motion. 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	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

City Clerk Fresquez asked if there was anyone speaking on the issue to stand and be sworn in. City Clerk Fresquez swore in City Manager Tim Montgomery, Interim Utilities Director Travis Martinez and Legal Counsel Ambrosio Castellano.

1. Approval to adopt Ordinance 24-01, amending Gas Ordinance 06-08 and section 255-11 of the Municipal Code.

City Manager Tim Montgomery advised that there were changes made to the ordinances to have consistency for utility billing. City Manager Montgomery advised from the bill date the total payment would be due within 20 days and if payment is not made within the 20 days then after 15 days the bill is considered delinquent. City Manager Montgomery advised that it would help prevent customers from building up a large debt that they can't pay. City Manager Montgomery advised that there were 361 delinquent accounts, 60 were paid and 301 went to shut off and by June 30, 2023 all accounts had been paid and utilities were turned back on. City Manager Montgomery advised from July 1, 2023 to present there were 942 delinquent accounts, 626 were shut off and as of May 2024 there were still 51 accounts that remained in shut off status. City Manager Montgomery advised that communication is not taking place and each utility has a different billing cycle which is causing problems.

City Manager Montgomery discussed the winter assistance repayment method resolution from 2010 that was used to protect consumers by not allowing gas to be turned off. City Manager Montgomery advised that the resolution was not renewed but they do still follow the same guideline to protect consumers during the winter. City Manager Montgomery advised that it was a regulation from the NMPRC stating gas could not be shut off from November 15th through March 15th. City Manager Montgomery advised that they want to help consumers with a payment plan and help them stick to paying on their payment plan.

Councilor Montoya advised that the current ordinance was not working or being enforced and liens being placed on properties for lack of payment. Councilor Montoya voiced his concerns regarding a customer not paying the total amount of the bill and instead partial payments going towards certain utilities and the utilities being shut off.

Councilor Martinez asked if there was a type of budget billing for those who have issues with paying and if there are other types of programs to help assist with paying their utilities.

City Manager Montgomery advised that there are types of assistance programs like LIHEAP, but he wants to drive the communication between the City of Las Vegas and the consumers so they don't have large bills where they can't catch up.

Councilor Martinez asked if they needed to adopt the winter assistance repayment method resolution.

City Manager Montgomery advised that they are following the state regulation but internally they could extend the November 15 through March 15 timeframe by renewing the City's resolution.

Mayor Romero advised that it was not the intent of the City to shut off utilities if people don't pay their bill but instead its to protect the consumers before their bill gets too large and they can't pay it.

Interim Utilities Director Travis Martinez advised that customers technically have 35 days before a notice is sent out stating their bill is delinquent. Interim Utilities Director Martinez advised that they have a scheduled cut off day that lets the customer know to go in and make payment arrangements or be turned off for non-payment.

City Manager Montgomery clarified that the 35 days was based on the bill not being due for 20 days and then 15 days later it's considered delinquent for a total of 35 days.

Interim Utilities Director Martinez discussed the process when shutting off utilities, they shut off water first, then gas and then solid waste.

- 2. Approval to adopt Ordinance No. 24-02 amending Sewer Ordinance 05-12 and Section 340-53 of the Municipal Code.

Councilor Casey asked about pg. 2, section B (4) that states, "The City may disconnect the private service line of the delinquent account from the City

collection line and plug said private line” and what would happen if a neighbor is connected to the same sewer line that was just disconnected.

Interim Utilities Director Martinez advised that everyone should have their own sewer tap but should neighbors be connected to the same line then they would have to establish whose sewer line it was.

3. Approval to adopt Ordinance No. 24-03 amending Water Ordinance 05-17 and Section 440-9 of the Municipal Code.
4. Approval to adopt Ordinance No. 24-04 amending Solid Waste Ordinance 10-20 and Section 361-10 of the Municipal Code.

Councilor Casey made a motion to close the Public Hearing and reconvene into regular session. Councilor Ulibarri 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	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

1. Approval to adopt Ordinance 24-01, amending Gas Ordinance 06-08 and section 255-11 of the Municipal Code.

Councilor Casey made a motion to approve Ordinance 24-01, amending Gas Ordinance 06-08 and section 255-11 of the Municipal Code. Councilor Martinez seconded the motion.

Ordinance 24-01 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	No	David Ulibarri	Yes
Barbara Casey	Yes	Marvin Martinez	Yes

City Clerk Fresquez advised the motion carried.

2. Approval to adopt Ordinance No. 24-02 amending Sewer Ordinance 05-12 and Section 340-53 of the Municipal Code.

Councilor Martinez made a motion to approve Ordinance 24-02, amending Sewer Ordinance 05-12 and Section 340-53 of the Municipal Code. Councilor Ulibarri seconded the motion.

Ordinance 24-02 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:

Marvin Martinez	Yes	Barbara Casey	No
Michael L. Montoya	No	David Ulibarri	Yes

City Clerk Fresquez advised there was a tie.

Mayor Romero voted yes and broke the tie.

City Clerk Fresquez advised the motion carried.

3. Approval to adopt Ordinance No. 24-03 amending Water Ordinance 05-17 and Section 440-9 of the Municipal Code.

Councilor Casey made a motion to approve Ordinance 24-03, amending Water Ordinance 05-17 and Section 440-9 of the Municipal Code. Councilor Ulibarri seconded the motion.

Ordinance 24-03 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	No	Marvin Martinez	Yes
Barbara Casey	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

4. Approval to adopt Ordinance No. 24-04 amending Solid Waste Ordinance 10-20 and Section 361-10 of the Municipal Code.

Councilor Casey made a motion to approve Ordinance 24-04, amending Solid Waste Ordinance 10-20 and Section 361-10 of the Municipal Code. Councilor Martinez seconded the motion.

Ordinance 24-04 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:

David Ulibarri	Yes	Marvin Martinez	Yes
Barbara Casey	Yes	Michael L. Montoya	No

City Clerk Fresquez advised the motion carried.

5. Request approval for City Manager, Tim Montgomery to complete and submit all future non-risk loan applications for FEMA projects that are ready for SB6 loans.

City Manager Tim Montgomery advised that FEMA had approved a project that was submitted through the FEMA project portal and FEMA authorized giving the City eighty percent, which was \$14 million.

Councilor Montoya asked if there was still funding available for SB6 loans.

City Manager Montgomery advised that there was about \$14 million left.

Councilor Martinez made a motion to approve City Manager, Tim Montgomery to complete and submit all future non-risk loan applications for FEMA projects that are ready for SB6 loans. Councilor Casey seconded the motion. 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.

6. Request approval of Appropriation A23H2068-5 in the amount of \$21,389.99 from Aging & Long Term Services.

Interim Community Services Director June Tafoya advised that the appropriation was gap funding to purchase two hot shot delivery trucks.

Councilor Casey made a motion to approve appropriation A23H2068-5 in the amount of \$21,389.99 from Aging & Long Term Services. Councilor Ulibarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

7. Request approval of Resolution 24-15, a City of Las Vegas budget adjustment for the 2023-2024 fiscal year.

Finance Director Morris Madrid advised that there were seven budget adjustments, two items were appropriation amounts that were carried over from the previous year, four items for new funding that needed to be spent and the last item had an error which needed to be corrected and match administrative charges to the respective General Fund budgeted revenue accounts.

Councilor Montoya advised that the resolution was approved by the Finance Committee.

Councilor Montoya made a motion to approve Resolution 24-15, a City of Las Vegas budget adjustment for the 2023-2024 fiscal year. Councilor Martinez seconded the motion.

Resolution 24-15 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 24-15

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 expense increase to Fund 214 – Street Co-op/Projects in the amount of \$176,083 to correct the available budget carryforward from FY23 into FY24 for NMDOT University Project D19526.
- A revenue/expense increase to Fund 217 – Special Legislative Appropriations in the amount of \$91,000 for appropriations to Padilla Sports Complex 22-ZG1023-41.
- An expense increase to Fund 217 - Special Legislative Appropriations in the amount of \$4,814 to correct the available budget carryforward from FY23 into FY24 for ALTSD #A20E5280.
- A revenue/expense increase to Fund 217 – Special Legislative Appropriations in the amount of \$21,381.99 to purchase and equip vehicles for A23H2068-5.
- A revenue/expense increase to Fund 282 – Senior Citizens Center in the amount of \$6,000 for ALTSD NM Grown Fresh purchase of kitchen equipment.
- A revenue/expense increase to Fund 285 – FEMA Project 690381 in the amount of \$14,964,619 for debris removal within city limits.

- An expense increase to Fund 610 – Waste Water in the amount of \$55,000, an expense increase to Fund 620 – Natural Gas in the amount of \$90,000, an expense increase to Fund 630 – Solid Waste in the amount of \$55,000, and an expense increase to Fund 640 – Water in the amount of \$106,000 to correct and match administrative charges to the respective General Fund budgeted revenue accounts.

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 May 2024.

Mayor David G. Romero

ATTEST:

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	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Martinez 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 Montoya 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.

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 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	David Ulibarri	Yes

EXECUTIVE SESSION ACTION ITEMS

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

Councilor Martinez made a motion to approve the Professional Service contract for Police Chief Caleb Marquez and remove the percentages under goals and objectives. 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

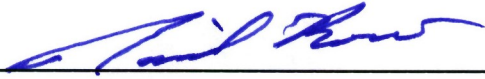
City Clerk Fresquez advised the motion carried.

Mayor Romero congratulated Police Chief Marquez and thanked him for accepting their goals and objectives in his contract.

ADJOURN

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

Meeting adjourned at 8:40 pm.



Mayor David Romero

ATTEST:



Casandra Fresquez, City Clerk