

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, MAY 8, 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 ***Absent***

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 Montoya asked for a moment of silence for the community, peace on Earth and to end the wars. Councilor Montoya also asked for a moment of silence for those who lost their homes due to the fire and to pray for recovery.

APPROVAL OF AGENDA

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

PUBLIC INPUT

There was no public input.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Romero thanked City staff for all they do.

COUNCILORS' REPORTS

Councilor Casey advised that Councilor Montoya had requested that the street between Mountain View and Legion be opened. Councilor Casey advised that after speaking with several people within the school district, she was informed that after Sierra Vista and Los Ninos schools were built it was changed to a school access road. Councilor Casey advised that the schools would not open the road due to a safety hazard for the children and buses. Councilor Casey apologized for not being able to attend the ground breaking on University Avenue.

Councilor Montoya advised that they had ground breaking on University Avenue for reconstruction. Councilor Montoya advised that it should be completed within 120 days, was a \$2.6 million dollar project and was fully funded by NMDOT. Councilor Montoya thanked NMDOT for funding the University Avenue project. Councilor Montoya discussed attending a MainStream New Mexico Seminar and he also attended the cleaning of the Gallinas River for Earth Day. Councilor Montoya advised that FEMA would be having a Claims Office Resource Fair on May 11th at the Sheridan Volunteer Fire Department. Councilor Montoya advised that he attended the National Day of Prayer along with Mayor Romero.

Councilor Martinez advised that the University Avenue project would be ongoing until September 11th and the parking lot at the Senior Center was close to being completed. Councilor Martinez advised that he attended the Swearing in of Police Chief Caleb Marquez and he attended Friday Al Fresco. Councilor Martinez advised that he gets calls regarding Independence Avenue street repairs.

CITY MANAGER'S REPORT

City Manager Tim Montgomery discussed the following;

- Welcomed new staff to the City of Las Vegas
- Sponsorship opportunities for the City
- Update on City Auction
 - earned (\$37,198)
- Grant updates
 - Reconciling grant balances
- City Hall update
 - Remediation started
- Department updates
 - Project updates
 - Road project updates
- Community Outreach
 - City Activities/Events
- City Wide RFP for hail damage
- City Manager discussed his time spent with the Police and Fire departments
- Met with Governor Michelle Lujan Grisham

Councilor Martinez applauded City Manager Montgomery for being a part of every aspect of the City.

Councilor Montoya advised that he was glad the auction went well and asked if the events were listed on the City's website and if they could place the schedule for Friday Al Fresco in the optic. Councilor Montoya advised that more trash cans are needed along the Gallinas River.

Councilor Casey thanked City Manager Montgomery for all the work he does for the City and advised that City Manager Montgomery is extremely busy and works long hours to ensure everything gets done.

Mayor Romero advised that it's important to work as a team, along with being transparent. Mayor Romero thanked City Manager Montgomery for his leadership.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes from April 17, 2024, with minor corrections. Councilor Martinez seconded the motion. Mayor Romero asked if all were in favor. All were in favor.

PRESENTATIONS/POSSIBLE DIRECTION

Masie Estep, San Miguel Early Childhood Coalition Coordinator, discussed the Noches De Familia in the Park event that would be taking place on May 14, 2024. Ms. Estep spoke about the funding they received for early childhood needs and the importance of safe outdoor spaces for children. Ms. Estep invited the Governing Body to the Noches De Familia in the Park event on May 14th from 5:30 - 7:30 pm. Ms. Estep advised that they wanted to present the Mayor and Council with a certificate to show that they are a key part of children's outcome.

Councilor Casey, Councilor Martinez and Councilor Montoya thanked Ms. Estep for all the work she has done.

Ms. Estep advised that they would like to have input regarding age appropriate playground equipment at parks.

Mayor Romero thanked Ms. Estep for her presentation and mentioned the importance of building the community up again.

Councilor Martinez asked Ms. Estep to extend a thank you to Elizabeth Ratzlaff who has also done a lot.

CONSENT AGENDA

City Clerk Fresquez advised there were none.

BUSINESS ITEMS

1. Present, review, discuss and potential action on City in support of New Mexico Environment Department proposed water reuse water regulation by Glorieta Geoscience Inc.

City Manager Tim Montgomery advised that he received an email regarding water reuse and potential opportunities that the City could have. City Manager Montgomery advised that he was not part of the previous discussions so he reached out to Glorieta Geoscience to discuss an overview.

Jay Lazarus with Glorieta Geoscience provided a lengthy discussion regarding the New Mexico Environment Department development of water reuse regulations which was an initiative of the Governor's Office. Mr. Lazarus advised that they have been working with the New Mexico Environment Department since the fires regarding potential water reuse regulations. Mr. Lazarus advised that they are not proposing any specific project but they're asking Council for authorization to present testimony to the Environment department in support of the proposed water reuse regulations.

Councilor Martinez asked when they proposed the consideration for water reuse.

Mr. Lazarus advised that it was proposed to the City and Governor Lujan Grisham about six months after the fire had occurred and the Environment department had been working on the proposed regulations for about a year. Mr. Lazarus advised that they're asking the Council to support the Environment department in developing regulations.

Councilor Martinez advised that there are no regulations set forth by the State of NM.

Mr. Lazarus advised that was correct.

Councilor Martinez voiced his concerns regarding the City being the first in NM to support water reuse regulations.

Interim Utilities Director Travis Martinez advised that there are other states that have implemented the regulations. Interim Utilities Director Martinez advised that it is only to move forward with NMED so they could move forward with the water reuse regulation and in the future the City won't be two steps behind if Council supports the NMED water reuse regulations.

Mayor Romero asked if the testimony was part of the reuse of brackish water and fracking water.

Mr. Lazarus advised yes.

Councilor Casey voiced her concerns regarding the regulations being in place first and then the City could look at them and see how it could affect the City's drinking water.

Councilor Martinez advised that he agreed with Councilor Casey, and that the regulations should be in place. Councilor Martinez asked about the Taylor Wells.

Interim Utilities Director Martinez advised that the Taylor Wells have enough water to produce about 20 days to the City and Taylor Well #7 has brackish water.

Mr. Lazarus advised that the Taylor Wells would provide a limited back-up supply for a short period of time and it would take months if not years for the water levels to recover after it is pumped out.

Councilor Montoya asked if other cities have joined in.

Mr. Lazarus advised that NMED interacts with the regulated community, they propose regulations and then the Water Quality Control Commission accepts testimony on the proposed regulations.

Councilor Montoya asked if there are other cities asking for regulations.

Mr. Lazarus advised that he wouldn't know until they have the hearing next week.

Councilor Montoya asked if it was due to the shortage of water during the fires.

Mr. Lazarus advised yes.

Councilor Montoya advised that according to the testimony, it stated moving forward in creating a regulation for permitting all types of water reuse projects.

Mr. Lazarus advised that the City is not proposing any projects other than supporting their regulatory development.

Councilor Montoya asked if Council were to support the testimony and it's taken to the Water Quality Control Commission, what would be the next steps if it would pass.

Mr. Lazarus advised that the next steps would be the department developing regulations for indirect/direct potable water reuse.

Discussion took place regarding having input before regulations are made and Mayor and Council unaware of the testimony.

Mayor Romero advised that they need to be involved in testifying on behalf of issues and opportunities for brackish water and also having their input on regulations for water reuse.

Interim Utilities Director Martinez advised that the testimony was only to support imposed NMED regulations and it has nothing to do with any other projects.

Mr. Lazarus advised that Taos, Espanola and Los Alamos discharge their treated wastewater to the Rio Grande and Santa Fe picks it up at indirect diversion on the Rio Grande and treats it to drinking water standards and discharges it back into the Rio Grande where Albuquerque picks it up at their surface water diversion.

Councilor Martinez voiced his concerns regarding not having enough time to have input from Mayor and Council due to deadlines. Councilor Martinez asked what language would be left out should they move forward.

Mr. Lazarus advised that they could take out the Agua Pura specific language and the language be solely regulatory.

Councilor Montoya made a motion to support the testimony for proposed groundwater and surface water protection supplemental requirements for water reuse.

Mayor Romero asked if there was a second.

Due to the lack of a second the motion died.

Mayor Romero asked for a motion to approve the testimony removing Agua Pura from any testimony.

Councilor Montoya made a motion to approve the testimony removing Agua Pura from any testimony.

Mayor Romero asked if there was a second.

Councilor Casey voiced her concerns regarding the process and the regulations being made first and then having input on how the regulations would affect the City's water system. Councilor Casey advised that the Agua Pura portion was never voted on or discussed by Council. Councilor Casey also voiced her concerns regarding who provided the testimony.

Mayor Romero advised that he had a motion by Councilor Montoya and asked if there was a second.

Due to the lack of a second the motion died.

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

Community Development Director Lucas Marquez advised that Ms. Padilla's property abuts an arroyo and is the last house on the street. Community Development Director Marquez advised that there was 25 feet of city right of way between the garage and the curb and discussed the possibility of the City selling Ms. Padilla the 9 feet of city right of way. Community Development Director Marquez advised that the structure was built without a building permit.

Attorney Eugenio Mathis advised that Ms. Padilla grew up on the property, and the encroachment doesn't interfere with traffic or the public right of way. Mr. Mathis advised that they had three letters from neighbors indicating they have no objection. Mr. Mathis discussed the cost that Ms. Padilla would have to pay to have the structure removed. Mr. Mathis commended Community Development Director Marquez for his assistance.

Councilor Martinez voiced his concern regarding any utilities being affected.

Community Development Director Marquez advised that the utilities would be on the westside of the street on the opposite side of Ms. Padilla's property and sewer lines run behind her property.

Ms. Padilla advised that her intentions were to divide her land and once she got a surveyor that was when she learned about the encroachment of city right of way.

Councilor Casey advised that the City ordinance states that a permit is required if any work is done on your property. Councilor Casey suggested that the Planning and Zoning Commission review the City ordinance since they approve items that

go before them. Councilor Casey voiced her concerns regarding a permit that should have been in place and 9 feet being a lot of land.

Ms. Padilla apologized for not getting a permit and advised that there was a vacant house next to her and a dead end.

Discussion took place regarding not knowing if additional development could take place in the area, what the measurements were of the carport and garage and communicating with the public about getting permits.

Mr. Mathis asked for a clause to be placed in the encroachment agreement that states, "should the City in good faith determine there is additional development needed in the area, the City could revisit the encroachment and eliminate it altogether". Mr. Mathis advised that he doesn't believe any further development would happen in the area.

Councilor Martinez made a motion to approve the encroachment agreement between the City of Las Vegas and Rose Marie Padilla with the clause that should the City in good faith determine there is additional development needed in the area, the City could revisit the encroachment and eliminate it altogether. Councilor Montoya seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	No
Marvin Martinez	Yes		

City Clerk Fresquez advised the motion carried.

3. Request approval of the grant of sewer line easement, variance and non-disturbance agreement between Joseph and Perla Romero and the City of Las Vegas.

Community Development Director Lucas Marquez advised that City utilities are encroaching on the property. Community Development Director Marquez advised

that the property was purchased in the early 2000s by Roy and Veronica Hernandez.

Mayor Romero asked to go into executive session to be briefed by the City Attorney to see where they were with the situation.

EXECUTIVE SESSION

Councilor Martinez made a motion to convene into executive session for the purpose of discussing matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by section 10-15-1(H)(7) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on sewer line easement, variance and non-disturbance agreement between Joseph and Perla Romero and the City of Las Vegas. Councilor Montoya 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		

City Clerk Fresquez advised the motion carried.

Councilor Martinez made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by section 10-15-1(H)(7) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on sewer line easement, variance and non-disturbance agreement between Joseph and Perla Romero and the City of Las Vegas, 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:

Michael L. Montoya	Yes	Barbara Casey	Yes
Marvin Martinez	Yes		

Councilor Martinez made a motion to approve the grant of sewer line easement, variance and non-disturbance agreement between Joseph and Perla Romero and the City of Las Vegas with the condition that the City select an inspector and pay for an inspection of the home and receive a clear inspection report. Councilor Casey 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		

City Clerk Fresquez advised the motion carried.

4. Request approval to enter into negotiations for RFP 2024-19 for Disaster Recovery Services for the City of Las Vegas, NM current and future disasters with The Sulzer Group.

Interim Utilities Director Travis Martinez advised that the Sulzer Group was from Louisiana and they have helped entities from hurricane Rita, hurricane Katrina, hurricane Sandy and over 30 natural disasters. Interim Utilities Director Martinez advised that the company is pending a NM business license based on negotiations taken by the Executive Office.

City Manager Tim Montgomery discussed the reasoning for Disaster Recovery Services and seeking a consulting group that has dealt with multiple disasters and who will look at the total impact to the City of Las Vegas going beyond burned structures and replacement of the Water Treatment Plant.

Interim Utilities Director Martinez advised the consulting group would be like project management by supplying engineers, seeing what type of funding they need to go after and assist the City as far as disaster recovery projects.

Councilor Montoya made a motion to enter into negotiations for RFP 2024-19 for Disaster Recovery Services for the City of Las Vegas, NM current and future disasters with The Sulzer Group. 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.

5. Request approval to enter into negotiations for RFP 2024-18 for Disaster Legal Services for the City of Las Vegas, NM for damages sustained from the Hermit's Peak/Calf Canyon Wildfires with Singleton Schreiber.

Councilor Montoya made a motion to enter into negotiations for RFP 2024-18 for Disaster Legal Services for the City of Las Vegas, NM for damages sustained from the Hermit's Peak/Calf Canyon Wildfires with Singleton Schreiber. Councilor Casey seconded the motion.

Mayor Romero advised that the City's Legal Counsel Advise Law Firm Ambrosio Castellano did not have any input or prior notice of the RFP so there was no conflict of interest.

Councilor Montoya advised that there was another proposer Roybal-Mack and Cordova, P.C.

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		

City Clerk Fresquez advised the motion carried.

6. Request approval of Addendum #1 to Contract #3984-23 with Souder Miller & Associates for design services on sewer repairs and replacement projects for the City of Las Vegas.

Interim Utilities Director Travis Martinez advised that Souder Miller currently had no projects under the contract.

City Manager Montgomery advised that the contract is a safety net for the City should they need assistance.

Councilor Montoya made a motion to approve addendum #1 to Contract #3984-23 with Souder Miller & Associates for design services on sewer repairs and replacement projects for the City of Las Vegas. Councilor Martinez seconded 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.

7. Request approval of Out of State travel for Lieutenant David Barela to attend Taser Instructor Training on June 14, 2024 in Amarillo, Texas.

Police Chief Caleb Marquez advised that unfortunately the classes aren't always offered in New Mexico and once you become an instructor they need to renew their certification every two years.

Councilor Casey made a motion to approve Out of State travel for Lieutenant David Barela to attend Taser Instructor Training on June 14, 2024 in Amarillo, Texas. 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 Montoya congratulated Police Chief Marquez on his swearing in.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Montoya seconded the motion. All were in favor.

City Clerk Fresquez advised the motion carried.

Meeting adjourned at 9:20 pm.



Mayor David Romero

ATTEST:



Casandra Fresquez, City Clerk