MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, SEPTEMBER 13, 2023 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MAYOR:	Louie A. Trujillo
COUNCILORS:	David G. Romero Barbara Casey Michael L. Montoya David Ulibarri
ALSO PRESENT:	Leo Maestas, City Manager Casandra Fresquez, City Clerk Antonio Salazar, Sergeant at Arms Randall Van Vleck, Legal Counsel

<u>CALL TO ORDER</u>

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

<u>ROLL CALL</u>

<u>PLEDGE OF ALLEGIANCE</u>

<u>MOMENT OF SILENCE</u>

Mayor Trujillo asked to take a moment to recognize the passing of Congressman and former Governor Bill Richardson and also to keep the Arellanes family in our thoughts who recently lost their son. Mayor Trujillo recognized and thanked all those who work for the City, including the Police and Fire departments.

APPROVAL OF AGENDA

City Clerk Fresquez advised she had a recommendation for the approval of the agenda. City Clerk Fresquez advised City Manager Maestas recommended moving Business Item 11 after Public Input due to the City's Water Attorney being unavailable after 6 pm.

Mayor Trujillo advised due to the length of the agenda if Council could forgo their Councilors' Reports until the next Council meeting due to the length of the agenda.

Councilor Montoya made a motion to approve the agenda as amended. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Fresquez advised those who signed up for Public Input would be speaking during the Public Hearing Business Items.

BUSINESS ITEMS

11. Consideration to approve an Amendment to the Emergency Water Lease Contract for Bulk Purchase of water from Michael Quintana.

City Manager Leo Maestas advised Attorney Pete Domenici and Mr. Quintana's Attorney discussed changing the terms of the previous agreement that was approved by Council.

Attorney Pete Domenici discussed the proposed amendment that would allow half of the water to be used in calendar year 2025 and half of the payment for this year be pushed to 2025. Mr. Domenici advised it would benefit the City, and it was prepared by Mr. Quintana's Attorney. Mr. Domenici advised he made two changes, the first one was to make it clear that they could use the water throughout the calendar year of 2025 and he wanted a signature line on the amendment for Storrie Project to make sure they understood as part of the 2025 arrangement, the City would be storing and diverting the water as needed during that calendar year. Mr. Domenici advised it would provide a better value to the City, more flexibility over a longer period of time and a sufficient cushion for this year and 2025.

Councilor Montoya asked if there was Public Input for this item.

City Clerk Fresquez advised there was no public input.

Councilor Montoya advised that the original contract required a resolution by the Storrie Project shareholders. Councilor Montoya asked where they were at with that resolution.

Mr. Domenici advised he's been tracking it and suggested the approval of the amendment be subject to the City's receipt of the resolution. Mr. Domenici advised it was his understanding that it's been difficult to get a final signature because people have been unavailable. Mr. Domenici advised he's been told the final signature would be in their hands by tomorrow making it the fourth and final signature from board members.

Councilor Montoya asked if it was legal to approve an amendment before the resolution is in place.

Mr. Domenici advised yes, provided its subject to and does not take effect until they have that resolution.

Councilor Montoya asked why Mr. Domenici's signature and the City Manager's signature were not on the amendment.

Mr. Domenici advised he was not the one who drafted the amendment. Mr. Domenici advised that the amendment was binding as long as it had the signature of the City, Michael Quintana's signature and Storrie Project signatures.

Councilor Montoya asked if this was City Manager Maestas' recommendation.

City Manager Maestas advised he believed it would give the City more flexibility in the event that they possibly need the water.

Councilor Montoya asked how many acre feet of water has been used in the last year through the filtration system and when that filtration system will be gone.

City Manager Maestas advised as of last year they filtered 24 million gallons which is equal to about 74-75 acre feet of water that was filtered through the pretreatment system at Storrie Lake. City Manager Maestas advised there was an extension to the contract with BWR and it would expire in November.

Councilor Montoya asked if they have used any of the water that was purchased through the contract from Mr. Quintana.

City Manager Maestas advised no.

Councilor Montoya asked if they have until December to use the water.

City Manager Maestas advised yes, it's per calendar year.

Councilor Casey made a motion to approve the amendment to the Emergency Water Lease Contract for Bulk Purchase of water from Michael Quintana, with the stipulation that the resolution is received. Councilor Romero seconded the motion.

Councilor Montoya advised he likes to be transparent with the public and stated he felt this was not beneficial to the City of Las Vegas and its citizens. Councilor Montoya advised he felt that money could be better utilized and there are complications that could come with this contract. Councilor Montoya discussed wanting a long term lease and one million dollars being hard to find. Councilor Montoya advised he still felt like this was not an emergency. Councilor Montoya asked about the current water storage.

Utilities Director Gilvarry advised they were at approximately 77% full.

Councilor Montoya advised they have used about 200 acre feet of the 800 acre feet from Storrie Lake. Councilor Montoya advised he didn't think they would use any of this water. Councilor Montoya discussed other options regarding using another access point for water through the canal at Storrie Lake. Councilor Montoya discussed other Storrie Lake shareholders being left out and they are still willing to negotiate and offer the City part of their share. Councilor Montoya advised it's not a sole source or an emergency.

Mayor Trujillo advised there was a motion by Councilor Casey and a second by Councilor Romero. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Barbara Casey	Yes
Michael L. Montoya	No	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo read a Proclamation for "National Recovery Month" and introduced Patricia Gallegos with the Rio Grande Adult Treatment Program.

Ms. Gallegos invited the community to attend their Community Garden on September 23rd from 11 am - 3 pm at the corner of Railroad and Douglas Avenue.

CITY MANAGER'S REPORT

City Manager Maestas discussed the following;

- Welcomed new staff to the City of Las Vegas
- Capital Outlay Appropriations
  - SB-192 Sports Equipment
  - HR System upgrade
  - IT System upgrade
  - Peterson Dam Rehab
  - PD Communication improvements
  - PD vehicle replacement
  - Rodriguez Park renovations
  - PW maintenance equipment
  - Grant Street retention wall
  - Senior Center equipment

    - City Hall/Rec Center LED conversion
- Project updates
    - Airport LED lighting and signage project
    - Apron Taxiway & Taxilane pavement (next phase)
    - Legion Drive road project
    - 99% complete PNM LED street light conversion
- Hosted the 2023 IRF Racquetball Championship
    - Turf patio added

Mayor Trujillo asked what the savings would be from the LED project.

City Manager Maestas advised there were 900 PNM poles with the cost of about $240,000 in a year. City Manager Maestas advised that the City owns about 328 street lights and 162 of those have been replaced. City Manager Maestas advised they continue to set aside monies to budget for another 60 lights to continue converting all city owned street lights.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes from August 9, August 16 and August 25, 2023, with a few corrections. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Barbara Casey	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

BUSINESS ITEMS

Councilor Romero made a motion to enter into a Public Hearing for Business Items 1-3. Councilor Casey seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Barbara Casey	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

City Clerk Fresquez swore in those who wanted to speak during Business Items 1-3.

1. Request approval to adopt Ordinance No. 23-09 amending the Official Zoning Map from an R-2 (Multi Family Residential Zone) to a C-1 (Neighborhood Commercial Zone) for the property located at 2522 Hot Springs Blvd.

Community Development Director Lucas Marquez advised that James and Andrea Encinias recently purchased the property and wanted to rezone it back to its original state of a commercial zone for self storage sheds.

Mayor Trujillo asked if it went through Planning and Zoning and if there was any opposition.

Community Development Director Lucas Marquez advised yes and they had one comment regarding suggestions. Community Development Director Lucas Marquez advised that Planning and Zoning did recommend approval.

2. Request approval to adopt Ordinance No. 23-10 amending the Official Zoning Map from an O-1 (Office Zone) to an R-1 (Single Family Residential Zone) for the property located at 1630 7th Street.

Community Development Director Lucas Marquez advised the property did go through Planning And Zoning with no opposition and was recommended for approval.

3. Request approval to adopt Ordinance No. 23-11 amending the Official Zoning Map from an R-A (Residential Agricultural Zone) to an C-3 (General Commercial Zone) for the property located at 179 HWY 250.

Community Development Director Lucas Marquez advised the property did go through Planning And Zoning with no opposition and was recommended for approval.

Councilor Romero made a motion to exit the Public Hearing and reconvene into regular session. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	Yes
David Ulibarri	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

1. Request approval to adopt Ordinance No. 23-09 amending the Official Zoning Map from an R-2 (Multi Family Residential Zone) to a C-1 (Neighborhood Commercial Zone) for the property located at 2522 Hot Springs Blvd.

Councilor Romero made a motion to approve the adoption of Ordinance No. 23-09 amending the Official Zoning Map from an R-2 (Multi Family Residential Zone) to a C-1 (Neighborhood Commercial Zone) for the property located at 2522 Hot Springs Blvd. Councilor Casey seconded the motion.

Ordinance 23-09 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 Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Barbara Casey	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

2. Request approval to adopt Ordinance No. 23-10 amending the Official Zoning Map from an O-1 (Office Zone) to an R-1 (Single Family Residential Zone) for the property located at 1630 7th Street.

Councilor Romero made a motion to approve the adoption of Ordinance No. 23-10 amending the Official Zoning Map from an O-1 (Office Zone) to an R-1

(Single Family Residential Zone) for the property located at 1630 7th Street. Councilor Ulibarri seconded the motion.

Ordinance 23-10 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 Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

3. Request approval to adopt Ordinance No. 23-11 amending the Official Zoning Map from an R-A (Residential Agricultural Zone) to an C-3 (General Commercial Zone) for the property located at 179 HWY 250.

Councilor Romero made a motion to approve the adoption of Ordinance No. 23-11 amending the Official Zoning Map from an R-A (Residential Agricultural Zone) to an C-3 (General Commercial Zone) for the property located at 179 HWY 250. Councilor Casey seconded the motion.

Ordinance 23-11 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 Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	David G. Romero	Yes
Barbara Casey	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

4. Request approval to Publish Ordinance 23-08, repealing and replacing Ordinance No. 21-18, Article XIII, cannabis Zoning.

Councilor Romero made a motion to approve the Publish of Ordinance 23-08, repealing and replacing Ordinance No. 21-18, Article XIII, cannabis Zoning.

Mayor Trujillo asked about removing the 500 foot distance between one cannabis business from another cannabis business.

Legal Counsel Randall Van Vleck advised he was directed to draft an ordinance that imposed those types of distance restrictions and if they choose to adopt something different they should do so. Legal Counsel Randall Van Vleck advised there were other things he added such as penalties that were more specific to the ordinance.

Mayor Trujillo advised he didn't think the State has regulations regarding the distance between one business to the other. Mayor Trujillo advised he would like to see the 500 foot distance requirement taken off the ordinance.

Legal Counsel Randall Van Vleck advised when the State adopted the cannabis regulation ordinance, which was inconsistent and cryptic at times, gave municipalities the right to impose reasonable time, place and manner restrictions on the operation of cannabis businesses. Legal Counsel Randall Van Vleck advised it would support such restrictions if they choose to have them or not having those restrictions should they choose not to have them.

Councilor Montoya advised it was his understanding that there is state law that prohibits businesses within 500 feet of each other.

Legal Counsel Randall Van Vleck advised there was only a 500 feet separation requirement from churches and daycare centers in the Cannabis Regulation Act.

Councilor Montoya stated not from business to business.

Legal Counsel Randall Van Vleck advised that was correct and advised he would have to make sure that the required foot separation from churches and daycare centers was 300 feet instead of 500 feet.

Councilor Montoya asked Police Chief Salazar what his opinion was.

Police Chief Salazar advised that they couldn't go any stricter than State Statute and the feet requirement is for only churches, schools and riverways at 300 feet.

Councilor Montoya asked what the intentions were for the ordinance.

Mayor Trujillo discussed cannabis businesses selling to the general public whereas a certain business would be selling to vendors not to the general public.

Discussion took place regarding business to business separations.

Mayor Trujillo advised there was a motion on the floor by Councilor Romero and a second by Councilor Casey. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	Michael L. Montoya	Yes
Barbara Casey	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero advised he was a third distant cousin to Mr. Eugene Romero and there is no financial interest on his part.

Mayor Trujillo acknowledged Mr. Eugene Romero and advised they had served together on City Council 20 years ago.

5. Request approval to use Lodgers Tax Funds to be a Sponsor of the 2023 ALbuquerque International Balloon Fiesta (AIBF). The funds will be used to cover expenses required to be a Sponsor of the 2023 AIBF.

Councilor Romero made a motion to approve the use of Lodgers Tax Funds to be a Sponsor of the 2023 Albuquerque International Balloon Fiesta (AIBF). Councilor Montoya seconded the motion.

Discussion took place regarding the funds being paid through Community Development so they wouldn't lose their spot since they didn't have a quorum for the Special City Council meeting that was called on August 25th and being able to recoup that money through Lodgers Tax. There was also discussion regarding advertisements for the Balloon Fiesta.

Mayor Trujillo advised there was a motion and a second. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Ulibarri	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero advised he did help out last year and would like to be involved again this year but doesn't want to feel like he is overstepping.

Mayor Trujillo advised they would need his help.

6. Request approval to award RFP 2024-02 and enter into contract for Professional Engineering Services for the Public Works Department with Miller Engineering Consultants, Molzen Corbin and Stantec Consulting Service.

Councilor Romero made a motion to approve RFP 2024-02 and enter into contract for Professional Engineering Services for the Public Works Department with Miller Engineering Consultants, Molzen Corbin and Stantec Consulting Service. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara Casey	Yes	David G. Romero	Yes
David Ulibarri	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

7. Request approval to award RFP 2024-04 and enter into contract for Professional Engineering Services for the Public Works Department Municipal Airport to include, Grants Consulting, Planning, Design and Construction Management to Molzen Corbin.

Councilor Romero made a motion to approve RFP 2024-04 and enter into contract for Professional Engineering Services for the Public Works Department Municipal Airport to include, Grants Consulting, Planning, Design and Construction Management to Molzen Corbin. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David Ulibarri	Yes
Michael L. Montoya	Yes	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

8. Request approval to award American Road Maintenance dba American Airport Maintenance for the Apron, Taxiway and Taxilane Pavement Seal and Markings in the amount of $398,219.07 to include GRT.

Councilor Romero made a motion to approve American Road Maintenance dba American Airport Maintenance for the Apron, Taxiway and Taxilane Pavement Seal and Markings in the amount of $398,219.07 to include GRT. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	Yes
David G. Romero	Yes	David Ulibarri	Yes

City Clerk Fresquez advised the motion carried.

9. Request approval of Resolution No. 23-27 and Contract with the New Mexico Department of Transportation accepting funds awarded through Capital Outlay (control no. C4233348) in the amount of $50,000.00.

Councilor Romero made a motion to approve Resolution No. 23-27 and Contract with the New Mexico Department of Transportation accepting funds awarded through Capital Outlay (control no. C4233348) in the amount of $50,000.00. Councilor Casey seconded the motion.

Resolution 23-27 was presented as follows:

RESOLUTION 23-27
CITY OF LAS VEGAS

PARTICIPATION IN CAPITAL OUTLAY PROGRAM ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

Whereas, City of Las Vegas and the New Mexico Department of Transportation will enter into a Cooperative Agreement.

Whereas, the total cost of the project will be $50,000.00 to be funded by the parties hereto as follows:

a. New Mexico Department of Transportation's share shall be 100% or $50,000.00 and

b. City of Las Vegas's proportional matching share shall be 0%.

City of Las Vegas shall pay all costs which exceed the total amount of $50,000.00

Now therefore, be it resolved in official session that the City of Las Vegas determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on June 30, 2027 and the City of Las Vegas incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the City of Las Vegas to enter into this Cooperative Agreement Control number C4233348 with the New Mexico Department of Transportation for Capital Outlay to plan, design and construct a storm water retention wall on Grant Street within the control of the City of Las Vegas in Las Vegas/ San Miguel County New Mexico.

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Louie A. Trujillo, Mayor

ATTEST: Reviewed and approved as to legal sufficiency only:

______________________________ ______________________________

Casandra Fresquez, City Clerk City Attorney

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

Michael L. Montoya	Yes	David Ulibarri	Yes
Barbara Casey	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

10. Request approval of Resolution No. 23-28, the 2025-2029 Infrastructure Capital Improvement Plan (ICIP) for the City of Las Vegas Senior Center.

Community Services Director Wanda Salazar discussed the ICIP for the Senior Center programs for all three sites, Las Vegas, Pecos and San Miguel. Community Services Director Salazar discussed some changes such as, computer technology for the Las Vegas site, Senior Center improvements, updating the entryway, the restrooms and the pool room for 2026. Community Services Director Salazar discussed the current projects and the funding for an HVAC system.

Councilor Romero asked where the list of ICIP projects are funded from.

Community Services Director Salazar advised they were funded through Capital Outlay which is approved through the legislature through Aging and Long Term Services.

Councilor Romero made a motion to approve Resolution No. 23-28, the 2025-2029 Infrastructure Capital Improvement Plan (ICIP) for the City of Las Vegas Senior Center. Councilor Ulibarri seconded the motion.

Councilor Montoya asked about the ICIP including San Miguel and Pecos Senior Centers.

Community Services Director Salazar advised the ICIP covers all three Senior Center programs.

Councilor Montoya asked if it needed to go before the Governing body's of San Miguel and Pecos.

Community Services Director Salazar advised no, because the City is the fiscal agent.

Mayor Trujillo advised there was a motion and a second.

Resolution 23-28 was presented as follows:

STATE OF NEW MEXICO
CITY OF LAS VEGAS
RESOLUTION NO. 23-28

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) FOR THE CITY OF LAS VEGAS SENIOR CENTER PROGRAMS

WHEREAS, the City of Las Vegas recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, BE IT RESOLVED, by the City of Las Vegas Governing Body that:

1. The City of Las Vegas has adopted the attached FY 2025-2029 Infrastructure Capital Improvement Plan for the City of Las Vegas Senior Center Programs, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.

PASSED, APPROVED AND ADOPTED by the Governing Body, this ______ day of September 2023.

Signed:

ATTEST:

____
Mayor Louie Trujillo

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Casandra Fresquez, City Clerk

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

Michael L. Montoya	Yes	Barbara Casey	Yes
David Ulibarri	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

<u>EXECUTIVE SESSION</u>

There was no need for executive session.

<u>ADJOURN</u>

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

City Clerk Fresquez advised the motion carried.

Meeting adjourned at 6:20 pm.

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Mayor Louie A. Trujillo

ATTEST:

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Casandra Fresquez, City Clerk