

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, APRIL 12, 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

CALL TO ORDER

Mayor Trujillo called the meeting to order at 5:31 pm.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked to take a moment to thank all volunteers who sit on the Boards, Commissions and Committees, those who help at the animal shelter, those who help from the United World College and those who volunteer their time in the community.

APPROVAL OF AGENDA

Councilor Casey made a motion to approve the agenda. Councilor Montoya seconded the motion.

Councilor Montoya asked to remove the minutes from March 8, 2023 due to Business Item 1 on pg. 8 not having a second to the motion.

City Clerk Fresquez advised she would look into and bring it back.

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.

PUBLIC INPUT

There was no public input.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

- Appointment of Oliver Lesperance to the Lodgers Tax Board.

Councilor Romero made a motion to approve the appointment of Oliver Lesperance to the Lodgers Tax Board. Councilor Casey 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.

- Appointment of Katrin Scholz-Barth, Kristen Sanders and Antonio Jaramillo to the Tree Board.

Councilor Romero made a motion to approve the appointment of Katrin Scholz-Barth, Kristen Sanders and Antonio Jaramillo to the Tree Board. Councilor Ulibarri 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.

Mr. Spencer from the Tree Board presented the Mayor and Council with a flag. Mr. Spencer thanked them for approving the new members for the Tree Board.

COUNCILORS' REPORTS

Councilor Casey voiced her concerns regarding animals running at large, the need for more staff at the Animal Care Center and the need for cameras. Councilor Casey advised that they need to be made aware when instances occur at the Animal Care Center, instead of finding out on Facebook. Councilor Casey advised she had received about six or seven photos of sidewalks in bad shape on 6th Street, and they were sent to the City Manager, Deputy City Manager and Public Works Director. Councilor Casey asked for clarification regarding if the sidewalk is the responsibility of the property owner or the City.

Councilor Romero expressed his frustration with the direction of the City and where they are at and being questioned that City Councilors are micromanaging. Councilor Romero agreed with Councilor Casey about the Animal Care Center and advised he was told the break in was nothing major and then he saw it on the Optic, Facebook and on the news. Councilor Romero advised as Councilors they have to ensure fiscal responsibilities for monies spent properly. Councilor Romero voiced his concerns with monies not spent for El Creston Park. Councilor Romero discussed his concerns with the four foot fencing at the south end of El Creston Park.

City Manager Maestas discussed walking the project to make sure everyone's needs are met.

Councilor Romero discussed his concerns regarding raises. Councilor Romero mentioned Councilor Montoya wanting a public review of what they are doing to address the audit findings.

Councilor Montoya requested to discuss the audit findings during executive session along with City Manager Maestas.

Councilor Romero requested having City Manager Maestas' evaluation on the agenda as an item.

Councilor Montoya asked what Councilor Romero was referring to regarding Council micromanaging and the City going in the wrong direction.

Councilor Romero advised there are comments he has heard and he doesn't know where they are coming from.

City Manager Maestas advised he would also like to know where those comments are coming from.

CITY MANAGER'S REPORT

City Manager Maestas discussed the following;

- Welcomed new staff to the City of Las Vegas
- (5) Auctions completed
- Various project updates
- RFP update for Hot Springs Blvd.
- Legion Project construction portion
- Hiring event taking place

Mayor Trujillo asked if the El Creston Park would be completed and if the funds would be used by the end of June.

City Manager Maestas advised yes.

Councilor Montoya asked if the funds from the auction went back to the department.

City Manager Maestas advised yes.

Councilor Montoya acknowledged the Public Works department when they went on a tour of the riverwalk with the NMDOT. Councilor Montoya advised they applied for funding and is 100% sure they will get it. Councilor Montoya thanked Public Works Director Lopez and his staff for addressing the missing asphalt and cleaning the trees at City Hall. Councilor Montoya mentioned pothole patching being done throughout the City. Councilor Montoya voiced his concerns regarding Rodriguez Park not being ready for opening ceremonies. Councilor Montoya discussed all the different projects that have happened in the City during the current administration.

Councilor Romero asked where they were at regarding the budget for the Fiestas.

City Manager Maestas advised they do have a budget for the Fiestas and have been identifying how much revenues came in from the vendors last year.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes from March 6, March 15 and March 28, 2023. Councilor Ulibarri 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.

PRESENTATIONS

Richard Lindeborg, president of the Arts Council gave a presentation regarding an overview of activities in the City-owned building at 140 Bridge Street, discussion on the MOU between them and the City and a description of their twice monthly community calendar.

Mayor Trujillo thanked Mr. Lindeborg for all he and his staff do.

CONSENT ITEMS

City Clerk Fresquez read the Consent Agenda (1-3) into the record as follows;

1. Request approval of Addendum #2 to Contract #3782-21 with James, Cooke & Hobson, Inc. for professional pump, motor, mechanical and electrical services for the City of Las Vegas.
2. Request approval of Addendum #2 to Contract #3783-21 with Molzen Corbin & Associates for professional engineering services for the Solid Waste facility.
3. Request approval of Addendum #2 to Contract #3784-21 with Molzen Corbin & Associates for professional engineering services for the Waste Water system.

Councilor Casey made a motion to approve the Consent Agenda (1-3) as read into the record. Councilor Montoya 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 Item 1. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

Human Resource Director Darlene Arguello swore in City Clerk Casandra Fresquez, and Frank and Janet Beurskens.

1. Conduct a Public Hearing and Approval of a Restaurant A – Beer and Wine Liquor License with on premises consumption only application for Stella’s Café, LLC.

City Clerk Fresquez advised Stella’s Cafe LLC had applied for a Beer and Wine liquor license in January and the Alcohol Beverage Control Division had a preliminary approval. City Clerk Fresquez advised it was now up for Council's consideration, and advised all publications and zoning requirements were met.

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	David G. Romero	Yes
David Ulibarri	Yes	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero made a motion to approve the Restaurant A – Beer and Wine Liquor License with on premises consumption only application for Stella’s Café, LLC. Councilor Casey 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.

1. Consideration of the City of Las Vegas and Las Vegas Police Officers Association (LVPOA) Memorandum of Understanding (MOU) regarding Section 16 (Compensation) and Section 44 (Terms of Agreement) of LVPOA Agreement #3848-22.

LVPOA President Fasanella gave a lengthy presentation regarding adjustments to the LVPOA contract, the police department stretched thin, vacancies within the

department due to losing employees to other districts and the City of Las Vegas pay scale compared to other agencies.

Mayor Trujillo advised he wanted a meeting set up with Police Chief Salazar and the Police Union to discuss recruitment for the Police department. Mayor Trujillo advised he's aware they're stretched thin but the whole world is in a hiring crisis. Mayor Trujillo advised he's aware that pay is important but the City of Las Vegas' tax base can't be comparable to other cities.

Discussion took place regarding the process of going into executive session to discuss collective bargaining strategy.

Councilor Montoya discussed the importance of the Finance department being involved from the beginning to know if the budget could handle salary increases, the City of Las Vegas tax base not being comparable to other cities, staff from other departments within the City of Las Vegas that are underpaid and other Union contracts that need to be considered not just the Police department

HR Director Arguello advised they renegotiated and came to an agreement to propose a \$2 increase, rather than a \$4 increase, the only other change to the MOU is the LVPOA would not forgo negotiations for FY24, there will be a full opener to include compensation in December 2023.

Councilor Casey asked Finance Director Martinez if they are using the vacancies savings,

Finance Director Martinez advised yes.

Councilor Romero asked if Lieutenants were included in the current contract or just in the MOU.

HR Director Arguello advised they were included in the contract.

Councilor Romero asked if they could add the language that MOUs are ratified by Council.

Councilor Casey made a motion to approve the City of Las Vegas and Las Vegas Police Officers Association (LVPOA) Memorandum of Understanding (MOU) regarding Section 16 (Compensation) and Section 44 (Terms of Agreement) of LVPOA Agreement #3848-22. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

2. Request approval of the restructuring of the Police Department, Utilities Department, and City Attorney's Department Organizational Charts.

City Manager Maestas advised they notice a few positions that were listed incorrectly on the organizational charts in different departments.

HR Director Arguello advised they are requesting on the City Attorney's org chart to remove the Paralegal position and add a Legal Assistant, in the Police department they requested to make a full time Animal Care Technician to two part time positions instead, and in the Utilities department they requested changing the Field Customer Service Rep III to a Line Locator.

Councilor Casey asked if the pay would change from a Paralegal position to the Legal Assistant.

HR Director Arguello advised yes, it would be a lower pay grade.

Councilor Casey asked for clarification regarding the Animal Care Technician positions.

HR Director Arguello advised they have one full time position that is filled, one full time position that is vacant and the other vacant full time position would be changed to two part time positions.

Councilor Romero suggested changing the personnel ordinance to have more part time positions available to help fill vacant positions.

Councilor Montoya asked if part time employees qualify for 100% insurance.

HR Director Arguello advised no they do not.

Mayor Trujillo asked if they would qualify for sick leave and annual leave.

HR Director Arguello advised yes.

Councilor Casey made a motion to approve the restructuring of the Police Department, Utilities Department, and City Attorney's Department Organizational Charts. Councilor Romero 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.

3. Request approval for out-of-state travel for four (4) Police personnel to attend an FBI-LEEDA Executive Leadership Institute Training from June 5th through June 9th, 2023.

Councilor Casey asked if Police Chief Salazar would be attending the training since it would be the third and final class.

Police Chief Salazar advised yes he would.

Councilor Casey asked if they attended the first and second classes.

Police Chief Salazar advised no, the courses do not need to be taken in order. Councilor Casey asked if they would be taking the first and second classes at a later date.

Police Chief Salazar advised yes.

Councilor Montoya asked since they are short staffed if having four people away in training would affect the department.

Police Chief Salazar advised those attending the training are all Command level officers and it would be beneficial for their leadership.

Councilor Montoya asked if they would be traveling in one vehicle.

Police Chief Salazar advised yes.

Councilor Montoya made a motion to approve the out-of-state travel for four (4) Police personnel to attend an FBI-LEEDA Executive Leadership Institute Training from June 5th through June 9th, 2023. 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
David G. Romero	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

4. Request approval of Resolution 23-11 and agreement to accept a grant offer administered by Federal Aviation Administration (FAA) and the New Mexico Department of Transportation NMDOT) Aviation Division in the amount of \$306,640.00 for Apron and Hangar Taxilane Markings and TWY B Pavement Seal at the City of Las Vegas Airport.

Councilor Montoya made a motion to approve resolution 23-11. Councilor Ulibarri seconded the motion.

Resolution 23-11 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 23-11

A RESOLUTION TO ACCEPT A GRANT OFFER ADMINISTERED BY THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) AVIATION DIVISION

WHEREAS, the City of Las Vegas (“City”) has received a FAA Grant Offer for the Apron & Hanger Taxilanes Marking and TWY B Pavement Seal for the City’s Municipal Airport;

WHEREAS, the total cost of the Grant is \$306,640.00, with the FAA share being \$275,976.00 (90%) NMDOT share being \$27,598.00 (9%) and City’s share being \$3,066.00 (1%) of the Grant offer;

WHEREAS, the City shall pay all costs, which exceed the total amount of \$306,640.00;

WHEREAS, the Grants will be used directly for the apron & hanger taxilanes marking and TWY B pavement seal upon the FAA issuance of a Grant offer; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are incorporated herein by reference and the Governing Body hereby accepts the Grant Offer administered by Federal Aviation Administration and the New Mexico Department of Transportation Aviation Division.

PASSED, APPROVED AND ADOPTED this ____ day of April 2023.

Louie A. Trujillo, Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

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

City Clerk Fresquez advised the motion carried.

5. Request approval to award RFB #2023-09 to Desert Fox Paving for the construction, reconstruction, pavement rehabilitation, drainage improvements, ADA compliant curb & ramps and miscellaneous construction on Legion Drive in the amount of \$3,768,932.53 to include NMGR.

Councilor Montoya made a motion to approve RFB #2023-09 to Desert Fox Paving for the construction, reconstruction, pavement rehabilitation, drainage improvements, ADA compliant curb & ramps and miscellaneous construction on Legion Drive in the amount of \$3,768,932.53 to include NMGR. Councilor Casey seconded the motion.

Councilor Romero asked who the subcontractor was for the project.

Public Works Director Lopez advised one of the subcontractors was Hays Plumbing.

Councilor Romero asked if Desert Fox paved the Plaza area.

Public Works Director Lopez advised yes.

Councilor Romero voiced his concerns regarding issues with the subcontractor and the need to have performance accountability. Councilor Romero advised there are issues in the Plaza area, that being cracks.

Public Works Director Lopez advised there are concerns of failures for this project along with the Great Blocks project and they are holding the contractors responsible for correcting those actions. Public Works Director Lopez advised he met with Project Manager Marvin Cordova to schedule a meeting to address all the concerns and failures within all the projects. Public Works Director Lopez advised they will have quality control and will make sure they get what they paid for and they will hold contractors responsible for providing an excellent job.

Mayor Trujillo advised having a contract evaluation for every project that is done and they can disqualify a contractor because they are not satisfied with their work.

Public Works Director Lopez advised they were over budget with the \$3.7 but believe they can bring it down to the \$3.5 budget.

Councilor Montoya advised he was involved in all the process as far as having seven contractors that met at Hanna Park on Legion that were interested in the

project. Councilor Montoya advised out of the seven contractors, four bid on the project. Councilor Montoya advised it's a \$3.7 project and they have \$3.5, they excluded the lighting.

Discussion took place regarding the lighting being excluded from the project.

Councilor Montoya mentioned how he observed the bidding process, and staff did a professional job. Councilor Montoya advised that the engineer did an excellent job with the plans. Councilor Montoya advised he met with him and staff, three times before the project hit the drawing board.

Councilor Casey advised she had concerns regarding the contractor installing ADA compliant curb and ramps due to them not installing them correctly in the Plaza Park or on Bridge Street. Councilor Casey advised she feels like they did a sub-standard job.

Public Works Director Lopez advised they did the paving around the Plaza but didn't do the concrete work, they were subcontracted by Hays Plumbing. Public Works Director Lopez discussed verifications with NMDOT.

Councilor Romero advised they keep giving the same work to the same people and is not happy with the performance around the City.

Councilor Montoya advised he lobbied for the funding and staff worked hard.

Public Works Director Lopez advised there is the option to not accept the bid and reject it. Public Works Director Lopez advised they could re-bid it but that would cause delays. Public Works Director Lopez advised holding contractors accountable.

Councilor Romero advised it has nothing to do with how they got the funding but the point is that the pavement is cracking and sinking in the Plaza area.

Councilor Montoya advised that he agrees with accountability.

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

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

City Clerk Fresquez advised there was a tie.

Mayor Trujillo voted yes, with the caveat that they maintain quality. Mayor Trujillo advised he understands if they don't use the funding they will lose it. Mayor Trujillo advised he wants to institute the contract evaluation as soon as possible to be used on every contract.

City Clerk Fresquez advised the motion carried.

6. Request approval of a lease agreement for hangar space with Mr. Ray Valdez.

Public Works Director Lopez advised the lease agreement would be for up to ten years.

Councilor Casey made a motion to approve the lease agreement for hangar space with Mr. Ray Valdez. 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.

7. Request approval to award RFP #2023-10 for On-Call Commercial Plumbing Services to New Image Construction, All In One Excavation and Hays Plumbing and Heating.

Utilities Director Gilvarry advised her son works for Hays Plumbing and the plumbing services are for replacing of sewer lines and work at the WasteWater facility.

Discussion took place regarding the process to spread out the projects to each company, where New Image Construction, All In One Excavation and Hays Plumbing were from and how many employees they each have and including rate sheets in contracts if approved.

Councilor Montoya made a motion to approve RFP #2023-10 for On-Call Commercial Plumbing Services to New Image Construction, All In One Excavation and Hays Plumbing and Heating. 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.

Councilor Casey asked that Utilities Director Gilvarry request from Hays Plumbing not to leave in the middle of the day when they start a project and leave people hanging with water gushing into yards or without water.

Utilities Director Gilvarry apologized and advised she would address that with Hays Plumbing.

8. Request approval to award RFB 2023-06 for Clearwell Effluent Pumps & Motors to Hays Plumbing & Heating Inc.

Utilities Director Gilvarry advised the project is funded by DWSRF, to replace pumps and motors at the Water Treatment Plant.

Councilor Casey made a motion to approve RFB 2023-06 for Clearwell Effluent Pumps & Motors to Hays Plumbing & Heating Inc. Councilor Montoya seconded the motion. 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.

9. Request to award RFP #2023-07 for Commercial Electrical Services to Electric Horseman Inc.

Councilor Romero made a motion to approve RFP #2023-07 for Commercial Electrical Services to Electric Horseman Inc. Councilor Montoya seconded the motion. 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.

10. Discussion/Direction on recruiting and hiring a City Attorney.

Mayor Trujillo discussed the need for an attorney and advised he was open to an RFP for someone who might want to work three days a week and available by phone call. Mayor Trujillo advised there is nothing like a full time attorney.

Councilor Casey asked if the person would be based on a Professional Service Contract instead of appointed.

Mayor Trujillo advised yes.

Councilor Montoya asked who would administer the RFP.

City Manager Maestas advised the Executive Office.

Discussion took place regarding conditions of the City Charter regarding a City Attorney.

Mayor Trujillo asked for legal counsel to look at the language in the City Charter regarding a City Attorney needing to live in San Miguel County.

Councilor Montoya suggested advertising a full time City Attorney at \$130,0000.

Mayor Trujillo advised they could advertise the position for that amount for two weeks and if nothing is received, then they will go out for an RFP for a contracted attorney.

Councilor Montoya advised he wanted the response from legal in writing.

Councilor Romero made a motion to give direction to the City Manager to advertise for two weeks, at the same time issue an RFP and get clarification from legal regarding the language in the City Charter. Councilor Montoya seconded the motion. 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.

Discussion took place regarding waiting to go into executive session until next week's Council meeting.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Romero seconded the motion. 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	No	Barbara Casey	Yes

City Clerk Fresquez advised the motion carried.

Meeting adjourned at 7:47 pm.



Mayor Louie A. Trujillo

ATTEST:



Casandra Fresquez, City Clerk