



City of Las Vegas

1700 N. Grand Avenue | Las Vegas, NM 87701 | T 505.454.1401 | lasvegasnm.gov

Mayor Louie A. Trujillo

**CITY OF LAS VEGAS
REGULAR CITY COUNCIL MEETING
December 8, 2021–Wednesday– 5:30 p.m.
City Chambers
1700 North Grand Avenue
Las Vegas, NM 87701**

Public comments can be made in person at the meeting **OR** submitted in writing to the City Clerk no later than 4:30 p.m. on December 8, 2021, via email to cfresquez@lasvegasnm.gov or faxed to (505) 425-7335.

AGENDA

*City Council Meetings are
Available via YouTube*

https://www.youtube.com/channel/UCNGDVGRRAL0qVevel5JYeRw?view_as=subscriber

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. MOMENT OF SILENCE**
- V. APPROVAL OF AGENDA**
- VI. PUBLIC INPUT (comments limited to topics on current agenda; not to exceed 3 minutes per person and individuals must sign up at least fifteen (15) minutes prior to meeting.)** Public Input submitted to the City Clerk via email or fax will be read into the record.
- VII. MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS**
 - Certificate of Retirement recognizing Lieutenant Monica Vigil, retiring with 20 years of service to the City of Las Vegas Police Department.

VIII. COUNCILORS' REPORTS

IX. CITY MANAGER'S REPORT

X. APPROVAL OF MINUTES (November 10 and November 17, 2021)

XI. BUSINESS ITEMS

Conduct a Public Hearing for Business Item 1 and 2 *(Public comments can be made in person for the public hearing OR submitted in writing to the City Clerk no later than 4:30 p.m. on December 8, 2021 via email to cfresquez@lasvegasnm.gov or faxed to (505)425-7335. Written comments will be read into the record during the discussion of the item it pertains to.*

1. Adoption of Ordinance No. 21-18 an ordinance that creates and amends various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

Scott Aaron, City Attorney The Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 et seq., the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products. Council requested re-publication of Ordinance No. 21-18 at the November 10, 2021 Council meeting as there were several amendments. Publication requirements have been met.

2. Adoption of Ordinance No. 21-19 amending the Code of the City of Las Vegas by repealing and replacing Section 389-15 entitled "Use of Monies" and Section 389-6, entitled "Exemptions", and by creating a new Article III in Section 160 entitled "Adult businesses".

Scott Aaron, City Attorney The use of monies and exemptions under this chapter shall comply with NMSA 3-38-et al and 3-38-16 and all other applicable laws. This ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter and is an exercise of the City's home rule powers. Publication requirements have been met.

3. Request approval of Resolution No. 21-50 authorizing the purchase of a 930K wheel loader by Solid Waste from an expired lease belonging to Public Works.

Maria Gilvarry, Utilities Director The Solid Waste division would like to own this equipment to supplement the existing lease to ensure that the lease hours are not exceeded and to assist with other city projects which previously had to be scheduled around daily solid waste tasks.

4. Request approval of the contract between the City of Las Vegas and Samaritan House.

Leo Maestas, City Manager The funding for Samaritan House has been increased from \$40,000.00 per year (3,333.00 per month) to \$60,000.00 per year (\$5,000.00 per month).

XII. EXECUTIVE SESSION

**THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF
SUBJECT MATTER IS EXEMPT PURSUANT TO THE OPEN MEETINGS
ACT.**

XIII. ADJOURN

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.

ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas website and to be broadcast on YouTube.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office of the City Clerk, 1700 N. Grand Avenue, Las Vegas, NM 87701 or the City's website at www.lasvegasnm.gov



**CITY OF LAS VEGAS
COUNCIL MEETING AGENDA REQUEST FORM**

Meeting Date: December 15, 2021

Date Submitted: 11/22/21

Department: Police

Item/Topic: Recognition of the retirement of Monica E. Vigil. Lieutenant Monica E. Vigil will keep the honorary title of "Lieutenant" due to her 20 years of consecutively and continuously service to the citizens of Las Vegas, NM. Lt. M. Vigil has served in the roles of Communication Specialist, Police Officer, Police Sergeant, Police Lieutenant, and Lieutenant of Professional Standards (Internal Affairs Lt.).

Fiscal Impact: None Presentation only

Attachments: Certificate of Retirement

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

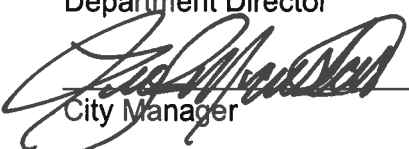
Approved For Submittal By:

Reviewed By:



Department Director

Finance Director



City Manager

City Attorney (Approved as to Form)

**CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Contract No. _____
Approved _____

Continued To: _____
Referred To: _____
Denied _____
Other _____

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, NOVEMBER 10, 2021 AT 5:30 P.M. IN THE CITY COUNCIL
CHAMBERS.**

MAYOR: Louie A. Trujillo

COUNCILORS: David G. Romero
Elaine Rodriguez
Michael L. Montoya
David A. Ulibarri, Jr.

ALSO PRESENT: Leo Maestas, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Antonio Salazar, Sergeant at Arms

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked for a moment to recognize all the Veterans in the community who have served in all branches of the military, for those Veterans who never made it back home and for those currently serving.

Mayor Trujillo advised there is a memorial service at the Veterans park at 11 am.

APPROVAL OF AGENDA

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

Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Fresquez advised there was one individual that would be speaking during the public hearing as it pertains to that item.

MAYOR’S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo asked City Clerk Fresquez to read a Proclamation for “Small Business Saturday”.

Councilor Montoya recognized Tom Birmingham and Natalie Jean Warner with Buen Vecino Awards for volunteering their time at the COVID testing site.

Ms. Warner advised they got involved because of Rotary and have been the ones to show up week after week. Ms. Warner advised the community is grateful for testing being available. Ms. Warner advised Adrian Jaramillo, Desaree Ortiz, Consuelo Gallegos, Jeff Rudolph and other volunteers deserve credit for all they do.

Mayor Trujillo thanked Ms. Warner and Mr. Birmingham for their hard work.

COUNCILORS’ REPORTS

Councilor Montoya advised Friday Al Fresco’s should be a City event and hopes there could be further discussion and consideration.

Mayor Trujillo advised there is a memorial service at Veterans park at 11 am. Mayor Trujillo advised a constituent asked why the lights at Veterans park were only white so they have added more lights to have red, white and blue during Christmas. Mayor Trujillo advised they are trying to make Las Vegas a destination for shoppers. Mayor Trujillo advised he has a meeting with Congresswoman Teresa Leger Fernandez regarding the infrastructure bill that was recently passed. Mayor Trujillo advised he looks forward to the completion of paving on Bridge Street and National and added that every other Friday a corner of the optic is reserved for various announcements regarding the City of Las Vegas.

CITY MANAGER'S REPORT

City Manager Maestas welcomed new employees to the City of Las Vegas and also welcomed new businesses in town. City Manager gave a report on the following:

- Update on Surplus projects
 - Tractor
 - Snow Plow
 - City Chamber Audio/Visual upgrade
 - Three playground equipment pieces ordered
 - Moreno Street demolition (going out for bids)
 - Angel Armor Vests
- Road Projects
 - PNM and City Lighting Systems to be converted to LED lighting
 - NM True Campaign Update
 - MainStreet and Chamber of Commerce Quarterly reports were received
 - Update on Solid Waste Transfer Station regarding their open on Tuesdays, Thursdays and Saturdays for trailer loads

Discussion took place regarding the analytics for the NM True Campaigns and placing the ads on the City website that are on the NM True Campaign.

Councilor Romero asked how the events and pictures are selected.

Multimedia Production Coordinator Marrujo advised in the past the event planner and the Community Development Director worked together to get all the information needed and also needed to meet the City's guidelines and the State's guidelines on design before being accepted.

Discussion took place regarding if it would be more beneficial to invest more into NM True, and the possibility of using pictures that residents capture.

Councilor Montoya asked to publicize the days that Solid Waste accepts trailer loads.

City Manager Maestas discussed the holiday schedule regarding events such as the Turkey Trot 5k run, Santa in the park, Tree lighting ceremony and the Electric Light parade.

Councilor Montoya thanked City Manager Maestas, the Police Department, the Fire Department, volunteers and those who donated candy for the Halloween event.

City Manager Maestas advised he wants the youth to be proud of Las Vegas.

Mayor Trujillo thanked City Manager Maestas for all his work.

PRESENTATIONS

Dr. Elizabeth Juarros spoke about the Pinon Visionary award that the Hermit's Peak Watershed Alliance received from the Santa Fe Community Foundation for visionary work done in Las Vegas on the Gallinas River Park. Dr. Juarros also played a video showing the work that the Hermit's Peak Watershed Alliance had done at the Gallinas River Park. Dr. Juarros spoke about how the youth was able to help clean up the Gallinas River Park.

Councilor Romero thanked Dr. Juarros and everyone who's been involved for all they've done.

Councilor Montoya thanked Dr. Juarros for informing the Mayor and Council about the prestigious award. Councilor Montoya advised the Gallinas River Park will help economic development down the road and he's seen an increase of people utilizing the bike path along the Gallinas River. Councilor Montoya advised they have installed lights and trash cans and have ordered benches and tables.

Utilities Director Maria Gilvarry gave a presentation regarding gas rate increase due to the increase in cost of gas. Utilities Director Gilvarry advised every year around October they receive a letter from Zia who is the gas provider for the City of Las Vegas regarding the cost of gas that might change for the upcoming year. Utilities Director Gilvarry advised Zia presented their final cost to PRC which was approved by PRC. Utilities Director Gilvarry advised when a cost is approved by PRC it's a pass through cost from them to the City and then from the City to the customers, so no profit is included in the cost of gas increase. Utilities Director Gilvarry advised Zia noticed back in August that prices were going up so they locked in the price at \$4 for the next 12 months. Utilities Director Gilvarry discussed the cost of gas increase occurring due to supply and demand. Utilities Director Gilvarry advised a 5 mcf- 6 mcf month would cost approximately \$56.98 per month and during winter months some people may use around 13 mcf which will cost \$111.79.

Mayor Trujillo wanted the public to know that the City does not set the rate, they are approved by the Public Regulation Commission (PRC). Mayor Trujillo advised he is appalled that PRC continues to approve those types of rate increases, knowing people are resurfacing from the pandemic and people are without jobs.

Councilor Romero asked if the City is notified when hearings go before PRC, that way they could give their public input during those meetings.

Utilities Director Gilvarry advised she was not sure if there is a hearing or if they are required to provide their proposals to PRC for review and approval.

Councilor Romero voiced his concerns regarding hearings done by PRC and Council needing to have public input when it comes to the increase in cost of gas.

Utilities Director Gilvarry advised she would give PRC a call to see if they have public hearings.

Councilor Rodriguez asked when the last time they had a rate increase that high.

Utilities Director Gilvarry advised the highest she's seen was in 2009.

Councilor Ulibarri Jr., advised they need to let the community know to winterize their homes.

Discussion took place regarding a Love Thy Neighbor program, Help NM programs and LIHEAP programs.

Multimedia Production Coordinator Virginia Marrujo spoke about the status of the new City website. Multimedia Production Coordinator Marrujo showed the Mayor and Council what is currently on the new City website and advised it is user friendly. Multimedia Production Coordinator Marrujo advised the new website should become available January 1, 2022.

Councilor Romero asked how the download templates are determined based on priority and analytics.

Multimedia Production Coordinator Marrujo advised they will have the analytics available once the new website is launched and can determine what is being viewed or not.

Councilor Montoya asked if the City's Boards, Committees and Commissions, along with City events would be available on the new website.

Multimedia Production Coordinator Marrujo advised yes.

Councilor Montoya asked if emergency situations would be placed on the new website as well.

Multimedia Production Coordinator Marrujo advised yes they are talking about having a news banner on the top.

Discussion took place regarding the process when approving what goes on the website and the website being mobile compatible.

City Manager Maestas advised they would send the Mayor and Council a link to the new webpage so they could look over it.

BUSINESS ITEMS

Conduct a Public Hearing for Business Item 1.

City Clerk Fresquez advised there was public comment for business item 1.

Councilor Romero made a motion to enter into Public Hearing to discuss business item 1. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriquez	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

City Clerk Fresquez swore in City Attorney Aaron and Jacob Gutierrez.

1. Adoption of Ordinance No. 21-18 an ordinance that creates and amends various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

Jacob Gutierrez gave public comment regarding discrepancies in the ordinance and suggested dispensaries have security outside of the business to check licenses before entering the dispensary and to consider Veterans in the ordinances regarding the possibility of waiving fees.

City Attorney Aaron advised he believed the concerns that Mayor and Council had mentioned during previous council meetings have been addressed and was sent to an attorney that is provided by the New Mexico Municipal League for review.

Councilor Rodriquez asked if the suggestions brought up by Jacob Gutierrez were in the ordinance.

City Attorney Aaron advised the laws that are applicable to any cannabis business puts the burden on the business and is operated on the State level.

Discussion took place regarding not being able to copy other jurisdictions laws and how it could impact the Police department.

Councilor Romero asked why the language on pg. 3 number 11 would be removed.

City Attorney Aaron advised it was the opinion of the attorney provided by the New Mexico Municipal League that it would be grounds for a civil rights violation to tell someone what they can and cannot do in their own home. City Attorney Aaron advised the deletions that were made were based on potential lawsuits.

Councilor Rodriguez advised she felt like the changes made to the ordinance were extensive but that City Attorney Aaron felt it wasn't warranted to publish for the public and asked what that decision was based on.

City Attorney Aaron advised the additions were fairly minimal and the changes that were stricken out were based on potential civil rights violations.

Councilor Rodriguez asked if City Attorney Aaron did not feel the need to republish the ordinance with the changes .

City Attorney Aaron advised it was few changes but was up to the Council to republish.

Mayor Trujillo stated they did not have time to republish and bring it back.

City Attorney Aaron stated that Council has authority to make changes and adjustments to the ordinance and will continue to be a work in progress.

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

Elaine Rodriguez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

1. Adoption of Ordinance No. 21-18 an ordinance that creates and amends various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

Mayor Trujillo asked for a motion, no motion was given, business item 1 died.

2. Request to Publish Ordinance No. 21-19 amending the Code of the City of Las Vegas by repealing and replacing Section 389-15 entitled "Use of Monies" and Section 389-6, entitled "Exemptions", and by creating a new Article III in Section 160 entitled "Adult businesses".

City Attorney Aaron spoke about modifying the Lodgers Tax ordinance to comply with state law. City Attorney Aaron advised there are no businesses that fall under "Adult Businesses" but felt it was important to do it since overhauling the zoning and business registration ordinances.

Councilor Romero advised he wanted to go back to business item 1 and if they could because the Cannabis ordinance is very important.

City Attorney Aaron advised if they want to go back to business item 1, they can suspend the discussion on business item 2.

1. Adoption of Ordinance No. 21-18 an ordinance that creates and amends various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

Councilor Romero advised in his opinion there were quite a bit of changes to the ordinance and it would only be fair to republish it to give the opportunity to the community to have input.

Councilor Romero made a motion to republish ordinance 21-18 with the amended changes.

Discussion took place regarding how long it would take for the ordinance to come back for approval if they republish it and how to handle the republishing of ordinance 21-18 since the item on the agenda was only to approve it.

Councilor Romero made a motion to republish ordinance 21-18 with the amended changes. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

2. Request to Publish Ordinance No. 21-19 amending the Code of the City of Las Vegas by repealing and replacing Section 389-15 entitled "Use of Monies" and Section 389-6, entitled "Exemptions", and by creating a new Article III in Section 160 entitled "Adult businesses".

Councilor Romero made a motion to publish ordinance 21-19. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David A. Ulibarri Jr.,	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

3. Request approval of Resolution No. 21-43 to rescind and replace all previous City of Las Vegas resolutions regarding the "Meadow City Express No-Show and Late Cancelation Policy".

Mayor Trujillo asked if the policy was new.

Transit Manager Roybal advised they do have a No-Show and Late Cancellation Policy but this would reflect the \$1 fee that was recently approved and customers would pay a \$1 fee for the trip that was missed.

Councilor Romero asked if they consider certain circumstances before charging a \$1 fee for a trip that was missed.

Transit Manager Roybal advised yes, they work with everyone but it happens when a passenger schedules for the whole week and then decides that day if they want to go or not,

Councilor Rodriguez asked if they have customers that they have to suspend.

Transit Manager Roybal advised they've never had to suspend a passenger.

Councilor Montoya asked how they would track the \$1 fee.

Transit Manager Roybal advised it goes into a log marked as a penalty fee and into the regular deposits.

Councilor Romero made a motion to approve resolution 21-43. Councilor Montoya seconded the motion.

Resolution 21-43 was presented as follows:

**City of Las Vegas Meadow City Express
Resolution No. 21-43**

**A RESOLUTION TO RESCIND AND REPLACE ALL PREVIOUS CITY OF LAS VEGAS
RESOLUTIONS REGARDING "CITY OF LAS VEGAS MEADOW CITY EXPRESS PASSENGER
NO-SHOW AND LATE CANCELTION POLICY"**

WHEREAS, Resolution No. 19-46, Section VI of the City of Las Vegas Meadow City Express No Show/Late Cancellation Policy provides that, if a passenger does not show or cancel within the required time frame, they will be charged the regular fee of \$0.75; and

WHEREAS, Resolution No. 21-40 was adopted on September 15, 2021 establishing an Exact Change Policy and increasing the bus fee to \$1.00 per ride; and

WHEREAS, Section VI of the City of Las Vegas Meadow City Express No Show/Late Cancellation Policy shall be increased to a regular fee of \$1.00 to be paid for no shows or late cancelations by passengers.

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 approves the increase of the City of Las Vegas Meadow City Express bus fee to \$1.00 and directs application of the fee of \$1.00 to all passengers.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Casandra Fresquez, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Scott Aaron, City Attorney

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

David A. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

4. Request approval of Fiscal Year 2022 (FY22) Memorandum of Agreement (MOA) between the New Mexico Department of Transportation and the City of Las Vegas.

Transit Office Clerk Rodriquez advised outlined in the agreement are administrative and operational expenses that were applied for in the FY22 TA section 5311 grant funding request application. Transit Officer Clerk Rodriquez advised in the MOA are guidelines for the use of federal funds for the public transportation program.

Mayor Trujillo asked if it was common to have an agreement on hand.

Transit Manager Roybal advised yes, they are finishing up the FY21 agreement.

Councilor Montoya advised he wanted the citizens of Las Vegas to know that the federal grant within the NMDOT is a \$257,689 grant with the City of Las Vegas putting in \$20,010.

Councilor Romero asked if there was a savings to the City from last year's grant.

Transit Manager Roybal advised yes, the CARES Act covered them last year to FY21, the City, the State and the CARES Act put in a total of \$180,629.50, which covered operating costs, administrative costs and the purchase of two vans.

Councilor Montoya made a motion to approve Fiscal Year 2022 (FY22) Memorandum of Agreement (MOA) between the New Mexico Department of Transportation and the City of Las Vegas. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

5. Request approval of Memorandum of Understanding (MOU) between the City of Las Vegas and other law enforcement entities and organizations regarding the Law Enforcement Assisted Diversion ("LEAD") program.

Mayor Trujillo thanked everyone who was there in support of the LEAD program.

Tiffany Abeyta advised many entities and organizations have come together to create policies and procedures.

Mayor Trujillo asked to explain what LEAD means and how it's going to help people in the community.

Ms. Abeyta advised LEAD stands for Law Enforcement Assisted Diversion, together they created policies and procedures, along with eligibility criteria and divertible

offenses. Ms. Abeyta advised it would help guide law enforcement on whether an individual would be eligible for LEAD. Ms. Abeyta discussed divertible offenses and the process when an individual is eligible for LEAD.

Mayor Trujillo thanked everyone involved for all their hard work and stated that the community will benefit from the program greatly.

Mayor Trujillo asked Police Chief Salazar to talk about his involvement and how it will impact his department.

Police Chief Salazar advised as far as criminal activity he hopes to see it decrease, and with the available resources it will add to long term treatment for individuals to help them become productive members of society.

Discussion took place regarding how the resources will always be available for those who are eligible for LEAD as long as they complete their goals, where the funding is coming from for the LEAD program and how they will sustain the program once the funds run out.

Councilor Romero made a motion to approve a Memorandum of Understanding (MOU) between the City of Las Vegas and other law enforcement entities and organizations regarding the Law Enforcement Assisted Diversion (“LEAD”) program. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

6. Discussion/Direction on all Boards, Commissions and Committee (BCC) meetings.

Mayor Trujillo advised he's been approached by several committee members regarding the inconvenience of having to meet, have the meeting recorded and follow OMA. Mayor Trujillo advised the committee members asked to be able to have the meetings somewhere other than the Council Chambers.

Councilor Romero advised he thought those who didn't fall under OMA did not have to do all of that.

City Clerk Fresquez advised that Council made a decision that all Boards, Commissions and Committee (BCC) meetings be streamed on YouTube.

Councilor Romero asked how OMA falls into that.

City Clerk Fresquez advised those subject to OMA have to have agendas posted within 72 hours, those who are not subject to OMA do not want to have the meetings streamed, have the agendas posted within 72 hours or do minutes.

Councilor Rodriguez asked if they could assess whether it's been a positive thing since it would open up the meeting to the public more.

Mayor Trujillo advised their getting less participation from board members and a lot are not meeting a quorum because they do not want to be streamed.

Councilor Rodriguez asked whether or not the residents are watching the meetings.

Mayor Trujillo advised every time he's logged into a meeting he only sees two viewers.

City Manager Maestas advised if they don't have a quorum there is no footage to watch.

Councilor Romero advised he has the opportunity to go back to a recorded meeting to see what was discussed and that is very informative for him. Councilor Romero stated people may not be watching the meetings live but they are watching them and they need to be as transparent as they can.

Councilor Rodriguez was in agreement with Councilor Romero.

Utilities Director Gilvarry voiced concerns from her employees that they are losing out on office time having to come to the Council Chambers.

Councilor Montoya expressed his concerns with virtual meetings but the advantage he likes about it is that he can watch every meeting and is beneficial to the public that wants to know more about the City Government. Councilor Montoya advised in his opinion to be transparent to the public all boards, committees and commissions should be held at City facilities. Councilor Montoya suggested that they look at this item again January 1, 2022 as an item to vote on.

Councilor Romero advised the direction would be to City Manager Maestas to make sure the meetings are being recorded and uploaded within 24 hours and have the agenda available on the website at least 24 hours for those who are not subject to OMA.

7. Request approval of Resolution No. 21-49, A resolution approving proposed charter amendments and authorizing placement of ballot questions on the ballot of the City of Las Vegas Municipal election on March 1, 2022 for the purpose of voting on such amendments.

City Attorney Aaron advised the resolution was reviewed by the Attorney recommended by the New Mexico Municipal League.

Councilor Rodriguez advised the first question was confusing and asked what he is wanting the public to vote on.

City Attorney Aaron advised the current City Charter says the City is governed by a Mayor-Council form of Government, which is not true because we are a Home-Ruled form of Government that does consist of a Mayor and Council. City Attorney Aaron discussed having events set-up prior to election for the public to see what the proposed amendments are and what they mean.

Councilor Rodriguez asked about question three stating “election to be held is provided by law” and what he was referring to.

City Attorney Aaron advised its pertaining to, the regular municipal election shall be held on the first Tuesday in March every even numbered year and the proposed language would state the regular municipal election shall be held as provided by applicable law.

Councilor Rodriguez advised question four was incorrect which stated, “allow same day voter registration in accordance with the Federal National Registration Act” it should state New Mexico Senate Bill 672.

Councilor Romero asked about question two regarding if the voters say yes, then would they have to opt-in to the local election.

City Clerk Fresquez advised no they would still need to bring the option to opt-in for approval by ordinance.

Councilor Montoya asked to clarify question seven.

City Clerk Fresquez advised they’ve put it out to publish for election workers but never get a response so they work closely with San Miguel County who provides their election workers for City elections.

Councilor Montoya asked if question eighteen meant it would take away the authority of the Governing Body.

City Attorney Aaron advised no, once the Governing body expresses their vote whether approval or disapproval then it has to be implemented by the City Manager.

Councilor Montoya asked about question thirteen regarding the Charter being reviewed between 3-5 years versus the 5-10 years.

City Attorney Aaron advised it would be a requirement to review the City Charter at least every five years by an attorney.

Councilor Montoya advised he felt five years was a short time frame and felt ten years was a better time frame.

Councilor Romero advised if they wait the ten years then they would end up with the long list of proposed amendments again.

Councilor Montoya asked both City Manager Maestas and City Attorney Aaron if they recommended this item.

City Manager Maestas and City Attorney Aaron both advised yes.

Councilor Montoya asked City Manager Maestas and City Attorney Aaron if they felt the public had the opportunity to make comments on the resolution.

City Clerk Fresquez advised the resolution was on the website with the agenda.

City Attorney Aaron advised the Charter Commission worked on the amendments over six months and allowed for public input and there had been previous Council meetings with public input available.

Councilor Romero voiced his concern regarding the language in question nineteen and suggested to table the item for approval until next week's Council meeting so the changes could be made.

Councilor Romero made a motion to table resolution 21-49 for the November 17, 2021 council meeting. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	No	David A. Ulibarri Jr.	No
Elaine Rodriguez	Yes	David G. Romer	Yes

City Clerk Fresquez advised there was a tie.

Mayor Trujillo voted yes and broke the tie.

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Romero 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. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriguez	Yes
David A. Ulibarri Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero 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 and only those matters were discussed and no action was taken. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes
Elaine Rodriguez	(stepped away)	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

ADJOURN

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

City Clerk Fresquez advised the motion carried.

Meeting adjourned at 9:21 pm.

Mayor Louie A. Trujillo

ATTEST:

Casandra Fresquez, City Clerk

**MINUTES OF THE CITY OF LAS VEGAS REGULAR CITY COUNCIL MEETING HELD
ON WEDNESDAY, NOVEMBER 17, 2021 AT 5:30 P.M. IN THE CITY OF LAS VEGAS
CITY COUNCIL CHAMBERS**

MAYOR: Louie A. Trujillo

COUNCILORS: Elaine Rodriquez
Michael Montoya
David Ulibarri, Jr.
David Romero

ALSO PRESENT: Leo Maestas, City Manager
Casandra Fresquez, City Clerk
Scott Aaron, City Attorney
Antonio Salazar, Sergeant at Arms

CALL TO ORDER

Mayor Trujillo called the meeting to order at 5:30 p.m. He welcomed everyone present which included the Robertson High School Volleyball State Champions.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Trujillo asked for a moment of silence to thank our Creator for all these young people who are achieving in life. He advised how proud everyone was of the team, he thanked the RHS Volleyball team and commended the parents, teachers, superintendent and all involved for supporting them and thanked our Creator for all blessings that we have.

APPROVAL OF AGENDA

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

David Ulibarri, Jr.	Yes	Elaine Rodriquez	Yes
Michael Montoya	Yes	David Romero	Yes

City Clerk Casandra Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Casandra Fresquez informed that there was no public input at this time.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo advised that a recognition would take place tonight, on behalf of the Governing Body to honor the Robertson High School Lady Cards Volleyball State Champions.

Councilor Ulibarri, Jr. read the Certificate of Recognition recognizing the NMAA 2021 State Volleyball Champions, for winning their second season in a row and finishing off a perfect 27-0 season with a victory over St. Michael's High School for the Blue Trophy. He acknowledged his granddaughter, team member Felicia Ulibarri and commended the whole team for a job well done throughout the whole season.

Mayor Trujillo acknowledged the rest of the RHS Volleyball Team as follows: Azlyn Padilla, Jaylee Gonzales, Carli Marrujo, Lainey Baca, Mistidawn Roybal, Brianna Quintana, Jayden Jenkins, Stella Garcia, Alexis Pacheco, Mikaella Sena, Alyxa King-Greenwalt, Rhea Flores, Pasepa Tuineau and Trinity Sena. He also recognized Head Coach Vanessa Gonzales, Assistant Coaches: Desiree Garcia and Vanessa Baca.

COUNCILORS' REPORTS

Councilor Rodriguez reported that she had been receiving several texts, calls and emails from community members pertaining to the progress of many projects throughout the city and she thanked city employees for their hard work.

Councilor Montoya asked City Manager Maestas to look into the matter of a situation with another group sponsoring a turkey run event in town without going through the process and was concerned about the public's safety. Councilor Montoya advised that the judge had come to a determination in regards to the water lawsuit between the City of Las Vegas and the Acequias and asked City Attorney Aaron to give a briefing on the matter.

City Attorney Aaron discussed the water priority rights lawsuit that had been going on for decades between the City of Las Vegas and the Acequias and informed they had received the judge's decision this morning granting the city the water rights that the city was requesting. He informed this was an opportunity for this case to be done, the other party could appeal it if they wanted to and the city had been trying to get this decision for some closure. City Attorney Aaron stated it was important for the citizens to be informed and they were hopeful that at least they reached a certain threshold where the city could move forward. He informed that the city has two priority dates they are requesting, so we should be well situated for the foreseeable future when it comes to water.

Councilor Montoya stated that the lawsuit had been a priority for this administration, that further discussion in regard to cost of the water litigation would take place in the near future and water restrictions would still be in place due to it being a dry year. He mentioned that the Christmas Tree challenge was coming along and hoped they would raise a lot of money for the soup kitchens.

Councilor Romero thanked City Manager Maestas and City staff for all their hard work in getting ready for the holidays.

POLICE CHIEF'S REPORT

Police Chief Antonio Salazar presented in detail the Police Chief's Report for the month of October 2021.

Councilor Romero asked if the Police Advisory Committee had reviewed the By Laws Ordinance that he had submitted.

Police Chief Salazar informed that they had not submitted anything yet and they were having a meeting tomorrow although was not sure where they were regarding that ordinance.

Councilor Ulibarri, Jr. discussed several traffic issues in regards to speeding and some drivers also running stop signs as well as loud traffic in the area of Romero and Lopez Streets. He requested that if possible to have more Police patrolling in that area.

Police Chief Salazar advised he would relay that information to the proper supervisors.

Brief discussion took place regarding the seven new police vehicles that the LVPD would be receiving, issues of the high number of animals being brought to the animal shelter and of potential plans for educating the public regarding care for their animals.

City Attorney Aaron advised he had been informed by local law enforcement that a high count of animals were being brought to the animal shelter facility, due to someone in the county who was supposedly breeding wolf dog hybrids that was not taking care of them and that may be partially the reason for the high number.

Councilor Montoya asked Police Chief Salazar to look into the specifics of whether they were brought in from the city or the county.

FINANCE REPORT

Finance Director Jesus Baquera presented the Finance Report for the month ending October 31, 2021, reporting the General Fund revenue at 33%, with expenditures at 28% and the surplus at \$53,711.00 . The Enterprise Funds revenue came in at 27%, expenditures were at 21% and surplus amount was \$666,999.32. He reported the Recreation Department revenue at 20%, expenditures at 14% and with a surplus of \$81,349.00. Lodgers Tax revenue came in at 47%, expenditures were 24%, and surplus amount was \$101,813.00.

Mayor Trujillo asked Finance Director Baquera if the Finance Report was approved by the Finance Committee and if there was anything on this report that he needed to advise about that would be of concern.

Finance Director Baquera advised that the report had been reviewed by the Finance Committee on Monday and informed that auditors were here for the yearly audit and the department was receiving online training with the Department of Finance Administration.

Councilor Romero asked Finance Director Baquera if the Council could receive a monthly General Revenue comparison report from the previous year.

Finance Director Baquera stated he would provide the GR comparison report.

APPROVAL OF MINUTES (November 3, 2021)

Councilor Romero made a motion to approve the minutes of November 3, 2021. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael Montoya	Yes
David Ulibarri, Jr.	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

Mayor Trujillo commended City Clerk Fresquez' team for their excellent work in regards to preparing meeting minutes, he stated that minutes were very important and asked that she relay his appreciation to them.

Councilor Montoya stated that regarding redistricting, he felt it would be helpful to post the new district map in the City Hall lobby and also at the voting posts.

BUSINESS ITEMS

Conduct a Public Hearing for Business Item 1

1. Adoption of Ordinance No. 21-20 Redistricting Plan C prepared by New Mexico Research Demographics, LLC.

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

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriquez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

City Clerk Fresquez informed that there was no public input regarding this business item.

City Attorney Scott Aaron asked if there was anyone who would like to speak on the issue, to stand and be sworn in. Casandra Fresquez was sworn in.

City Clerk Casandra Fresquez advised there were three (3) redistricting plans that were proposed at the Council meeting on November 3, 2021. Mayor and Council approved Ordinance No. 21-20 to include Plan C redistricting map to be published which was recommended by the Redistricting Committee. Plan C is the map that has prominent boundaries and is divided along major geographical features that are easily identified.

Councilor Romero made a motion to leave Public Hearing. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriquez	Yes	Michael Montoya	Yes

City Clerk Fresquez advised that the motion carried.

Brief discussion took place in regards to the posting areas of the new redistricting map and the purpose it would serve.

Councilor Romero made a motion to adopt Ordinance No. 21-20 Redistricting Plan C prepared by New Mexico Research Demographics, LLC. Councilor Rodriguez seconded the motion.

Ordinance 21-20 was presented as follows:

ORDINANCE NO. 21-20

AN ORDINANCE REDISTRICTING THE CITY OF LAS VEGAS FOUR (4) WARDS APPORTIONING THE CITY COUNCIL DISTRICTS IN ACCORDANCE WITH THE POPULATION OF THE CITY OF LAS VEGAS REPORTED AS A RESULT OF THE 2020 FEDERAL CENSUS; DEFINING THE DISTRICTS CREATED AS A RESULT THEREOF.

WHEREAS, Section 3-12-1.1 NMSA 1978 as amended requires that the governing body of a municipality reapportion the representation among the geographic (election) districts in 2021 to give, as is practicable representation on the basis of population as determined in the 2020 census for the purpose of electing from each ward one member to the City Council of the City of Las Vegas; and

WHEREAS, in accordance with Section 14-6 (F) through (I) respectively of the City code; the location of boundaries for the four City wards shall be shown and delineated on the Official Ward Map for the City and following every federal decennial census, the City Council shall, by ordinance, readjust ward boundaries population as nearly equal as practicable and to maintain wards in compact and contiguous groups.

WHEREAS, New Mexico Demographic Research, LLC has been retained by the City of Las Vegas and have prepared three (3) redistricting proposals for the City Council's consideration; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO:

THAT: the 2021 Official Las Vegas District Map Plan C is hereby enacted and adopted and attached hereto and made part of this Ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2021.

Mayor, Louie A Trujillo

ATTEST:

Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only

Scott Aaron, City Attorney

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

David Ulibarri, Jr.	Yes	Michael Montoya	No
Elaine Rodriquez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

2. Request approval of Resolution No. 21-49, Resolution approving proposed charter amendments and authorizing placement of ballot questions on the ballot of the City of Las Vegas Municipal election on March 1, 2022 for the purpose of voting on such amendments.

City Attorney Scott Aaron advised the ballot questions take into account the standards set out in State law, Section 1-16-7 NMSA and 1.10.16 NMAC Ballot Questions Admin Rule. City Council tabled this item for the November 17, 2021 Council Meeting.

City Attorney Aaron informed that this was the updated resolution that was discussed last week although he had missed one important change on question number 4; *“shall the city delete section 8.01 C3 of the las vegas city of las vegas municipal charter which currently requires voters to register at least 30 days prior to an election and instead allow same-day voter registration in accordance with...”* and he stated this is where we would modify it to say in “accordance with

applicable law” it would not say “the federal national voter registration act”. He advised that he believed with that modification, the rest of the requested changes were made to it.

Councilor Romero made a motion to approve Resolution 21-49, Resolution approving proposed charter amendments and authorizing placement of ballot questions on the ballot of the City of Las Vegas Municipal election on March 1, 2022 for the purpose of voting on such amendments, with the amendment that “applicable law” would replace the “national voter registration act”. Councilor Ulibarri, Jr. seconded the motion.

Resolution 21-49 was presented as follows: *Due to length of the document, a complete copy may be obtained from the Las Vegas City Clerk’s Office.*

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

Elaine Rodriquez	Yes	David Romero	Yes
David Ulibarri, Jr.	Yes	Michael Montoya	Yes

City Clerk Fresquez advised the motion carried.

3. Request approval of Resolution No. 21-48 Fiscal Year 2023 Section 5311 Grant Application Funding requests.

Transit Manager Marcelino Roybal advised the City of Las Vegas Transportation Department is required to apply for section 5311 grant funding annually. This application includes all documents required to comply under Federal Transit Administration (FTA) and New Mexico Department of Transportation (NMDOT) guidelines. This application lists all expenses with calculated amounts based on previous years. The ratios of the local match are 80/20 for administration expenses, 50/50 for operating expenses and 80/20 for capital expenses.

Brief discussion took place in regard to federal grant applications not needing to be brought to the governing body for approval but to be mentioned as part of the City Manager's report.

Councilor Romero made a motion to approve Resolution 21-48 Fiscal Year 2023 Section 5311 Grant Application Funding requests. Councilor Montoya seconded the motion.

Resolution 21-48 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO

Resolution No. 21-48

**A RESOLUTION TO APPLY FOR AND ACCEPT A PUBLIC RURAL
TRANSPORTATION GRANT OFFER FROM THE NEW MEXICO DEPARTMENT OF
TRANSPORTATION TRANSIT AND RAIL DIVISION**

WHEREAS, the City of Las Vegas Meadow City Express (“City”) has applied to the New Mexico Department of Transportation Transit and Rail Division (“NMDOT”) for the FY23 Section 5311 Public Transportation Grant; and

WHEREAS, the City expects the total amount to be \$415,775.00; and

WHEREAS, the City would have to contribute 20% (\$24,964.00) for administrative expenses, 50% (\$130,875.00) for operating expenses, 20% (\$5,840.40) for capital outlay in order to receive the Grant for a total amount of \$161,680.00, including New Mexico gross receipts tax; and

WHEREAS, transportation is needed for the residents of the City of Las Vegas;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference and the Governing Body hereby agrees to contribute 20% (\$24,964.60) for administrative expenses, 50% (\$130,875.00) for operating expenses, 20% (\$5,840.40) for capital outlay in order to receive the Grant, and agrees to use the Grant for the operation of the City of Las Vegas Meadow City Express Transit System.

APPROVED AND ADOPTED this ____ day of November, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

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

Elaine Rodriquez	Yes	David Romero	Yes
Michael Montoya	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised the motion carried.

4. Request to award request for proposal (RFP) #2022-13 for the Re-Bid Water Distribution System Planning, Design and Construction Phase Engineering Services to Molzen-Corbin and Souder Miller & Associates.

Utilities Director Maria Gilvarry advised RFP #2022-13 was advertised and there were four proposals received from Souder Miller & Associates, Suina Design & Architecture (non-responsive), Molzen-Corbin & Associates and Stantec Consulting Services.

Mayor Trujillo asked for the reasoning of a re-bid regarding this RFP.

Utilities Director Gilvarry explained that it was due to receiving a letter that brought concern regarding that in the RFP packages they had asked for sealed rates for the engineers, which they do not use for evaluating and is not allowed for evaluation. She added that once the evaluation is complete they use it to start the contracts and since we requested it whether it was sealed or not, they were challenging our RFBs/RFPs. Utilities Director Gilvarry advised that they decided just to avoid any appearance of any concerns, so they rebid it without that request. She stated they stopped the rebidding process so they never completed the original bid and explained that these services were regarding anything related to water distribution.

Councilor Romero made a motion to approve to award request for proposal (RFP) #2022-13 for the Re-Bid Water Distribution System Planning, Design and Construction Phase Engineering Services to Molzen-Corbin and Souder Miller & Associates. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Michael Montoya	Yes
Elaine Rodriquez	Yes	David Ulibarri, Jr.	Yes

City Clerk Fresquez advised the motion carried.

- Request to award request for proposal (RFP) #2022-14 for the Re-Bid of Allen Bradley Programmable Controller Products and Services to Yukon & Associates, LLC.

Utilities Director Gilvarry advised RFP #2022-14 was advertised and there was only one proposal received from Yukon & Associates, LLC.

Councilor Romero made a motion to award request for proposal (RFP) #2022-14 for the Re-Bid of Allen Bradley Programmable Controller Products and Services to Yukon & Associates, LLC. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriquez	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

- Request award request for proposal (RFP) #2022-15 for Professional Engineering Services for Street & Drainage Improvements to Hot Springs Boulevard to Stantec Consulting Services.

Utilities Director Gilvarry advised RFP #2022-15 was advertised and there were two proposals received from Suina Design & Architecture (non-responsive) and Stantec Consulting Services. She informed that the reason this was specific to Hot Springs, it was a CDBG funded project and were informed by them that the engineering could not be an on-call engineering service as it needed to be specific for the Hot Springs project, the plans for utilities were already at 100% and Stantec was working the Hot Springs roadwork and the plan was to do the roadwork and utilities at the same time.

Brief discussion and questions took place regarding the Utilities grant funding.

Councilor Romero made a motion to award request for proposal (RFP) #2022-15 for Professional Engineering Services for Street & Drainage Improvements to Hot Springs Boulevard to Stantec Consulting Services. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David Ulibarri, Jr.	Yes
Michael Montoya	Yes	David Romero	Yes

City Clerk Fresquez advised the motion carried.

Mayor Trujillo asked Utilities Director Gilvarry if all the RFPs went through the Utility Committee.

Utilities Director Gilvarry advised that they went through the committee.

Mayor Trujillo asked if the next time she could state that on the agenda that the Utilities Committee has reviewed it and recommends it for approval.

Councilor Montoya advised that the Finance Committee had changed their meetings for Monday before the second Council meeting so that they can approve and recommend before the Council meeting. He stated that he informed Finance Director Baquera to make sure that it was the agenda although once again it was not there.

Mayor Trujillo gave City Manager Maestas the directive to advise Directors anytime things have been approved at a committee level, that it should be reflected on the agenda.

EXECUTIVE SESSION

Councilor Romero made a motion to go into Executive Session to discuss personnel matters as permitted by Section 10-15-1 (H)(7) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael Montoya	Yes	David Ulibarri, Jr.	Yes
Elaine Rodriquez	Yes	David Romero	Yes

Casandra Fresquez advised the motion carried.

Councilor Romero made a motion to go back into Regular Session, that only personnel matters were discussed and no action was taken. Councilor seconded the motion. Mayor Trujillo asked if all were in favor. All were in favor.

ADJOURN

Councilor Romero made a motion to adjourn. Councilor Rodriguez seconded the motion. Mayor Trujillo asked if all were in favor.

All were in favor.

Mayor Louie A. Trujillo

ATTEST:

Casandra Fresquez, City Clerk



CITY OF LAS VEGAS
COUNCIL REGULAR MEETING AGENDA REQUEST FORM

Meeting Date: December 8, 2021

Date Submitted: 11/29/21

Department: City Attorney

Item/Topic: Conduct a public hearing and Adoption of Ordinance No. 21-18 an ordinance that creates and amends various city ordinances regarding cannabis, business registration, zoning, nuisances, and water.

The Cannabis Regulation Act, codified as NMSA 1978, § 26-2C-1 et seq., the New Mexico Legislature established a comprehensive regulatory framework for the possession, cultivation, manufacture and sales of cannabis and cannabis-derived products. Council requested re-publication of Ordinance No. 21-18 at the November 10, 2021 Council meeting as there were several amendments. Publication requirements have been met.

Fiscal Impact: Cost to incorporate into City Code

Attachments: Ordinance No. 21-18

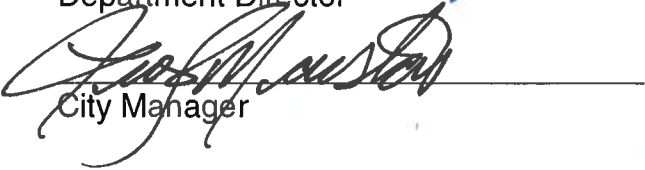
THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Approved For Submittal By:

Reviewed By:


Department Director

Finance Director


City Manager

City Attorney (Approved as to Form)

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Contract No. _____
Approved _____

Continued To: _____
Referred To: _____
Denied _____
Other _____

CITY OF LAS VEGAS, NEW MEXICO

Ordinance No. 21-18

AN ORDINANCE TO AMEND the Code of the City of Las Vegas by adding new Sections 450-141, 450-142, 450-143 and 450-144 to a newly created Article XII, entitled “Cannabis Zoning”, amending Article I Section 160, and repealing and replacing Sections 450-7 limited to the definition of “HOME OCCUPATION”, 450-119(D)(3), 450-120(D)(2), 450-121(D)(2), 450-122(D)(1), 450-123(D)(1), 450-124(D)(1), 450-125(C)(2), 450-125(D)(1), 450-126(C)(1), 450-126(D)(1), 450-127(D)(1), 450-128(C)(3), 450-128(D)(3), 450-129(D)(1), 450-130(E), 450-131(C), Section 301-6 introduction and subsections (A) and (B), Section 440-18, and Sections 450-83, 450-84, 450-88, 192-53, 12-6-12.2(K), and all other portions included below. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter and 450-98 of the City Ordinances, is an exercise of the City of Las Vegas home rule powers, and is in the best interests for the safety, welfare and public health of the City’s residents and visitors.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas is hereby amended by adding thereto a new Article XII entitled “Cannabis Zoning” and Section 450-141, 450-142, and 450-143 to the existing Chapter 450, Zoning, to read as follows:

450-141. Cannabis findings.

The City’s Governing Body makes the following findings with regarding to cannabis:

A. Cannabis establishments and cannabis consumption areas are uses not currently and specifically enumerated in the City’s planning and zoning ordinances.

B. Cannabis cultivation, production, and manufacturing creates strong odors, can involve the use of significant amounts of energy and water, and requires security and other measures to reduce the risk of theft or other diversion to the illegal cannabis market, including possession and use by persons under the age of twenty-one and others who are not allowed to use or be in the vicinity of cannabis.

C. Cannabis is an intoxicating drug, making it appropriate to regulate the hours during which cannabis products may be sold and the areas in which cannabis products may be consumed.

D. The use of cannabis products creates health risks due to exposure to carcinogens, secondhand smoke or vaporized cannabis concentrates.

E. Density limits are necessary to ensure that cannabis businesses are not unduly concentrated and do not crowd out other commercial uses.

F. All City ordinances regarding cannabis are intended and designed to protect the public health, safety and welfare from the adverse effects of cannabis in accordance with federal and state law and the City's home-rule powers.

450-142. Cultivation and production of cannabis and cannabis products in residential structures for personal use.

A. Purpose. This Section is intended to apply to any and all personal use or activity involving cannabis and cannabis products in residential structures to the extent authorized by applicable federal, state and local laws. The words in this Section 450-142 shall have the meanings of the words as specifically and expressly defined in NMSA 26-2C-2.

B. Any person, for purposes of this subsection and consistent with New Mexico state law, who is twenty-one (21) years of age or older, and not otherwise prohibited from possessing or being in the vicinity of cannabis or cannabis products, that is cultivating, producing or manufacturing cannabis or cannabis products solely for his or her own personal use, may possess, cultivate, process, manufacture or transport no more than six (6) mature cannabis plants and six (6) immature plants, as defined by the Cannabis Regulation Act, provided that despite a household having multiple residents, no more than twelve (12) mature cannabis plants may be present in any one household. Such possession shall be subject to the following requirements:

1. Such possessing, cultivation, processing, manufacturing or transporting of cannabis plants for personal use must be in full compliance with the applicable provisions of New Mexico law.

2. Such cannabis plants shall be possessed, cultivated, processed, manufactured or transported within the primary residence of the person possessing, cultivating, processing, manufacturing or transporting the cannabis plants for person use only within the following zones: RA, RR, R-1, R-2 or R-3. No commercial cannabis activity or cannabis consumption area shall occur or be located in, or within 300 feet of, zones RA, RR, R-1, R-2 or R-3.

3. The possession, use, cultivation and processing of such cannabis for personal use must not be observable or perceptible from the exterior of the primary residence, or adjacent or nearby properties, including without limitation: (a) common visual observation, including any form of signage; (b) unusual odors, smells, fragrances or other olfactory stimulus; (c) light pollution, glare or brightness that disturbs others or affects property in the vicinity; or (d) noise from ventilation fans and other noise associated with the possession, use, cultivation or processing of cannabis that disturbs others or affects property in the vicinity.

4. Cannabis plants shall not be cultivated, stored, used, processed or otherwise located in the common area of a planned community or of a multi-family or attached residential structure.

5. Possession, storage, cultivation and processing of cannabis shall meet the requirements of all adopted City building and safety codes, including without limitation electrical systems, building codes and ventilation systems, as the same may be amended from time to time.

6. The use of any flammable or volatile solvent, gas, chemical or other compound in the extraction from cannabis of tetrahydrocannabinol (“THC”) or other elements is prohibited.

7. The possession, storage, cultivation and processing of cannabis shall meet the requirements of all City water and wastewater regulations.

8. Cannabis use shall not occur in a private residence if said residence is used commercially to provide child care, adult care or health care or any combination of those activities. Outdoor cultivation or processing of cannabis is prohibited.

9. Any person who desires to cultivate or process cannabis or cannabis related products within a primary residence that they do not own, shall obtain the prior written consent of the property owner before commencing any cultivation or processing of cannabis or cannabis related products on the property.

10. Any City code enforcement officer, San Miguel County Sheriff’s law enforcement officer, City law enforcement officer, City Fire Marshal, City Fire Chief or other City designee may enforce the provisions herein or issue citations for violation of this Section 450-142. In addition to any federal, state or other applicable fines or penalties, any violation of this Section 450-142 shall incur a non-discretionary fine of \$1,000.00, and each day that a violation occurs shall be a separate offense. The City reserves the right to terminate any City-issued or City-provided licenses, registrations, approvals, utilities or other such matter upon a second violation of City ordinances. Nothing herein shall prevent the City from seeking injunctive relief.

450-143. Commercial cannabis activity and cannabis consumption areas in non-residential zones.

The words in this Section 450-143 shall have the meanings of the words as expressly defined in NMSA 26-2C-2, unless expressly defined herein. Any entity, for purposes of this subsection and consistent with New Mexico state law, who is licensed pursuant to the New Mexico Cannabis Regulation Act (“CRA”) and not otherwise prohibited from engaging in commercial cannabis activity or a cannabis consumption area, may engage in commercial cannabis activity or a cannabis consumption area subject to the following requirements:

A. Commercial cannabis activity as defined by New Mexico law shall be allowed only in non-residential units or buildings in the following zones: C-2, C-3, M-1 and M-2. No commercial cannabis activity shall occur or be located in a CH zone. Outdoor commercial cannabis activity or cannabis consumption area shall be prohibited.

B. No commercial cannabis activity or cannabis consumption area shall occur, or be located, in the common areas of any commercial or multi-family building located within the City limits. Commercial cannabis activity and a cannabis consumption area shall conform to all City ordinances, including without limitation all requirements of building, safety and fire codes. Any entity involved in commercial cannabis activity or a cannabis consumption area, and required to be licensed pursuant to the CRA, shall have an initial code inspections by the City, and shall comply with any and all requirements and conditions of said inspections prior to any commercial

cannabis activity or activity regarding a cannabis consumption area, and shall submit to periodic code inspections. Fees for various code inspections:

Fire inspection: \$150.00

Water and wastewater inspection: \$150.00

Building inspection: \$150.00

Security inspection: \$150.00

C. Commercial cannabis activity, or any portion thereof, and a cannabis consumption area shall not be permitted on an exterior portion of a lot, unit, building or structure, and shall maintain a minimum separation distance of at least a 300 foot radius, with the radius being measured from the subject property boundaries, from any school or daycare center that existed at the time the entity was issued a license by the State of New Mexico.

D. Commercial cannabis activity, or any portion thereof, cannabis use or a cannabis consumption area shall not disturb adjacent or nearby properties, including without limitation: (a) any form of signage not approved by the City; (b) unusual odors, smells, fragrances or other olfactory stimulus; (c) light pollution, glare or brightness that disturbs others or affects property in the vicinity; or (d) noise from ventilation fans. While City-approved signage may be located on the exterior of the building or unit, and persons may have a general knowledge that cannabis goods and/or services may be obtained at the location consistent with the CRA.

E. The use of any flammable or volatile solvent, gas, chemical or compound in the extraction of tetrahydrocannabinol ("THC") or other elements from cannabis is prohibited, except as may be permitted by New Mexico state law, and for an entity licensed pursuant to the CRA, and then only after inspection and approval by the City.

F. A daycare center shall mean any place which contributes to or is otherwise engaged in the supervision of minors, the elderly, and those with disabilities. A school shall mean any place which engages in the business, industry or administration of instructing or educating persons of any age, including without limitation public, private, charter and religious education or instruction.

G. For entities subject to the CRA, cannabis and products containing THC shall only be consumed in a cannabis consumption area as approved by CCD, which shall only be allowed within a licensed cannabis consumption area that occupies a standalone building from which smoke and cannabis odor does not infiltrate other indoor workplaces or other indoor places where smoking is otherwise prohibited pursuant to the Dee Johnson Clean Indoor Air Act. Cannabis producers, cannabis producer microbusinesses, and cannabis manufacturers shall use industry standard techniques to minimize odors, toxic or noxious particulates or matter, such as activated carbon filtration and regular maintenance of HVAC systems. Cannabis producers, cannabis producer microbusinesses, cannabis manufacturers, and cannabis consumption areas shall have an odor control plan approved by the City prior to conducting any cannabis related business.

H. Any and all cannabis consumption areas or cannabis establishments shall limit their hours of operation to the hours between 8:00 a.m. and 11:00p.m. from Monday to Saturday, and between noon and 10:00pm on Sundays, and any entity engaging in commercial cannabis activity or a cannabis consumption area shall have fulltime in-person security to prevent access for those under the age of 21 years and others who are not permitted in a cannabis consumption area or a location conducting commercial cannabis activity. The sales or service of any products containing THC from mobile, portable or temporary units, or drive-through locations is prohibited. Any entity engaged in any activity involving cannabis or products containing THC shall provide to the City, for the City's approval, a plan for the monitoring and disposal of all waste products.

I. Any entity engaging in commercial cannabis activity or a cannabis consumption area shall maintain a minimum separation distance of at least a 500 foot radius, with the radius being measured from the subject property boundaries, from any existing location engaging in commercial cannabis activity or a cannabis consumption area.

J. All cannabis producers and cannabis producer microbusinesses using conditioned soil shall comply with the New Mexico Soil and Water Conservation Act.

K. No alcohol or alcoholic products shall be located, sold, consumed or served, in a cannabis consumption area.

L. Any City code enforcement officer, San Miguel County Sheriff's law enforcement officer, City law enforcement officer, City Fire Marshal, City Fire Chief or other City designee may enforce the provisions herein or issue citations for violation of this Section 450-142. In addition to any federal, state or other applicable fines or penalties, any violation of this Section 450-142 shall incur a non-discretionary fine of \$1,000.00, and each day that a violation occurs shall be a separate offense. The City reserves the right to terminate any City-issued or City-provided licenses, registrations, approvals, utilities or other such matter upon a second violation of City ordinances. Nothing herein shall prevent the City from seeking injunctive relief.

M. It is the responsibility of the owners and operators of the business involving cannabis to ensure that it is, at all times, operating in a manner compliant with all applicable laws, and any regulations promulgated thereunder, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of any licenses or privileges. Nothing in the City's ordinances shall be construed as authorizing any actions which violate federal law, state law, or local ordinances with respect to the operation of any business involving cannabis.

450-144. Extra-Territorial Zone Application.

The application process for obtaining an application to engage in commercial cannabis activity or a cannabis consumption area within the extra-territorial zone ("ETZ") shall require the following:

1. San Miguel County (the “County”) shall be the primary point of contact and decision-making for all applicants if utilities are not provided by the City, which includes without limitation non-municipal/non-City sources of water, septic, solid waste provided by the County and electrical services by a provider other than PNM/Avangrid or some other merger, subsidiary or affiliate of said companies. In such circumstances, County cannabis fees shall apply. The City shall take be the primary point of contact and decision-making for all applications if one or more of the utilities are provided by the City, which includes without limitation electrical services by a provider other than PNM/Avangrid or some other merger or affiliate of said companies, City wastewater, City solid waste or City gas. In such situations, City cannabis fees shall apply. An application under this Section shall not be complete unless it includes a mandatory fee of \$150.00, to be paid to the entity which is not serving as the primary point of contact and decision-making, for the resources required to jointly evaluate any ETZ matters.

2. All applicants shall have an initial consultation with the Planning and Zoning Departments of the County and City.

3. If at any time the County or City desires a conditional use permit for the applicant, thus requiring a Planning and Zoning Commission hearing and/or approval by the governing body of the County or City, the Planning and Zoning Departments of the County and City shall be present for any public hearing to address any concerns of the County or City.

4. Approved applicants shall be required to attain both a County and City business license or registration, whichever is applicable. An inspection by the City Fire Department shall be required for any business operating in the ETZ, subject to the City’s Fire Inspection fee.

Section 2. The Code of the City of Las Vegas is hereby amended by repealing and replacing Article I of Section 160 with the following new Article I entitled “Business Registration” to read as follows:

160-1 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BUSINESS. A business as described in Section 160.26 through 160.27.

ENGAGING IN BUSINESS. Persons operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade, pursuit or activity for the purpose of profit and who are required to obtain a New Mexico taxpayer identification number.

PERSON. Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity engaging in a business, profession, occupation, trade, pursuit or commercial activity.

PLACE OF BUSINESS. The premises within the City, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, where a person is engaging in business. In the event there is no location, but the business is transacted or the service provided in the location of the buyer, then the general sales area within the City shall

be considered a PLACE OF BUSINESS. Unless a construction contractor has at least one permanent location within the city, PLACE OF BUSINESS includes a construction site, located in the City.

SEPARATE BUSINESS. A business located or conducted at the same address as another registered business, whether or not owned by the same person, that is additional to and different from the other registered business. A business will be considered a SEPARATE BUSINESS if it has a different name and it is not so related to the other business as to be a component part of the other business

160-2 Registration fee; Exemptions.

A. No business registration fee shall be imposed on any business which is licensed under Article II of Section 160, or which is exempted pursuant to NMSA § 3-38-1 et seq., as amended.

B. There is imposed on each place of business conducted in the City a business registration fee for each calendar year. The fee of \$35.00 is imposed pursuant to NMSA § 3-38-3 as it now exists or is amended and shall be known as the “business registration fee.” The business registration fee shall be for a full 12-month period, but may not be prorated for business conducted for a portion of the year. Upon issuance, the business registration certificate shall be displayed within the business premises for viewing.

C. There is imposed on each entity engaging in adult business or licensed by the New Mexico Cannabis Control Division (“CCD”) in the City a cannabis/adult business registration fee for each calendar year. The fee of \$350.00 is imposed and shall be known as the “cannabis business registration fee.” The cannabis business registration fee shall be for a full 12-month period, but may not be prorated for business conducted for a portion of the year. Each entity licensed by the CCD, after obtaining said licensure, as a provisional license letter from the CCD shall not be sufficient, shall obtain a City cannabis business license annually per calendar year, including the additional fee for the appropriate license acquired by the CCD for each cannabis establishment location, commercial cannabis activity location or cannabis consumption area within the City limits, which shall be as follows, with the City retaining the right to incorporate additional fees from time to time:

Courier \$60.00 first year, then \$30.00 annually

Testing laboratory \$250.00 first year, then \$100.00 annually

Manufacturer \$250.00 first year, then \$100.00 annually

Producer \$275.00 first year, then \$150.00 annually

Retailer \$300.00 first year, then \$150.00 annually

Research laboratory \$250.00 first year, then \$100.00 annually

Vertically integrated cannabis establishment \$750.00 first year, then \$100.00 annually

Cannabis producer microbusiness \$50.00 for one hundred plants or less first year then \$50.00 annually, or \$100.00 for one hundred and one plants to two hundred fifty plants first year, then \$100.00 annually

Integrated Cannabis microbusiness (activity based) \$250.00 first year, then \$100.00 annually

Cannabis consumption area \$350.00 first year, then \$350.00 annually

Upon issuance, the cannabis business registration shall be displayed within the cannabis business premises for viewing. The applicant for a cannabis business registration, its principals, registered manager, and all employees must be at least twenty-one years of age, meet all requirements under New Mexico law, and hold valid licenses and registrations as required by the State of New Mexico, including all applicable cannabis licenses.

D. The City, as the local business registration, and cannabis business registration, authority, shall have the power and authority to: (i) issue, deny or revoke a City business registration, or cannabis business registration, and renewals of the same, and where necessary, to conduct public hearings related thereto; (ii) impose any sanctions on any business registration or cannabis business registration, including revocation, upon its own authority and initiation, or in response to a complaint by any person for any violation by the licensee after investigation and a public hearing; (iii) adopt forms, fees, and submission requirements for a City business registration and cannabis business registration.

160-3 Application for issuance.

A. Any person proposing to engage in business within the City limits shall apply to the City and pay a business registration fee as stipulated for each place of business within the City limits, prior to engaging in business.

B. Any person filing an application for issuance of a business registration shall include in the application the current taxpayer identification number, issued by the New Mexico Taxation and Revenue Department, and any other lawful information required by the City, including without limitation the disclosure of handling of hazardous, special materials, toxic or radioactive materials, or disclosure of whether the business is engaged in cultivating, processing, producing, manufacturing or sales of cannabis, or goods and services derived from cannabis. For each business engaged in any of the aforementioned matters, along with its application, such business shall submit: (i) a description of the type of products to be cultivated, processed, produced, manufactured or sold; (ii) the equipment to be used, including a list of any solvents, gases, chemicals or other compounds that will be used, kept or created in the course of business, including the location of such materials and how such materials will be stored; (iii) the projected amount of electricity to be used on a monthly basis and a list of equipment which will use such electricity, including the source of all electricity, and a letter from the applicable electric utility stating that the power capacity at the proposed location is sufficient for the intended use; (iv) the projected amount of water to be used on a monthly basis and a description of what the water will be used for, including the source of all water used by the business, and a letter from the applicable water utility stating the water capacity at the proposed location is sufficient for the intended use; (v) the projected amount of wastewater to be produced on a monthly basis and a description of what solvents, chemicals, compounds or other elements may be included in the wastewater, including how and where the wastewater will be disposed of, a wastewater disposal

plan, and a letter from the applicable wastewater utility stating that the wastewater capacity at the proposed location is sufficient for the intended use; (vi) an odor control plan indicating how the applicant intends to comply with the requirements of City and State laws and regulations; (vii) a security plan indicating how the applicant will comply with the requirements of City and State law and regulations; (viii) a site plan to scale and dimensioned, depicting the building footprint, parking areas, vehicle circulation and driveways, pedestrian facilities, lighting, landscaping, loading facilities, freestanding sign locations, snow removal strategy, trash receptacle location and fences; (ix) all cannabis-related businesses that handle or produce water contaminated by cannabis and cannabis products shall submit a water reclamation plan to ensure water within the City is not contaminated; and (x) a letter of authorization with original signatures from the owner(s) of the subject property stating their agreement with the intended use of the property.

C. The City shall not issue a business registration authorizing the conduct of commercial activity to any person or entity whose records reflect any unresolved noncompliance with the business registration provisions or any other City ordinances or regulations. No rights, benefits, permits, approvals or other such items contained in this Chapter 160 shall be transferred, conveyed or assigned to any other entity or location.

160-4 Renewal, revocation, late fee and violation.

A. Before the expiration of the business registration or cannabis/adult business registration, any person or entity with a place of business in the City and subject to this subchapter shall apply to renew the business registration and shall pay an annual fee of \$35.00 to the City for each business registration and \$350.00 for each cannabis/adult business registration.

B. The City shall not issue a renewal for the conduct of commercial activity to any person or entity whose records reflect any unresolved non-compliance with the business registration provisions or any other City ordinances or regulations.

C. Compliance with this Section 160 shall not exempt any business from compliance with all other applicable provisions of the City ordinances and regulation.

D. If any business is conducted in violation of this Article I of Section 160, the City may institute appropriate legal action brought to prevent the conduct of business or to restrain, correct or abate the violation. Any person who has not paid the registration fee for issuance or renewal by the deadline date shall be sent a notice of violation, ordering appearance before the City Clerk within 30 days from date notice is mailed, to show cause why the City should not initiate proceedings under this Article I of Section 160. Upon the City finding evidence of a violation of this Section, the City may set a hearing before the Governing Body to consider revocation or any other appropriate action. At such hearing, the Governing Body will make findings as to the reason(s) for revoking the registration or allowing it to remain in place with conditions. Revocation requires the business to immediately cease any and all commercial activity. The City, in its sole discretion, may fine a business for violation of this Section, up to \$300.00 for each separate violation, with cumulative fines for each day a violation continues.

E. The Governing Body hereby declares and determines that the licensing and regulation of certain businesses would be conducive to the promotion and protection of the health and general welfare of the City. The fees imposed in this Section upon businesses which are hereby determined to affect the health and general welfare of the City shall bear a reasonable relation to the actual costs of the City in regulating each place of business named herein.

Section 3. The Code of the City of Las Vegas is hereby amended by repealing and replacing Sections 450-7 limited to the definition of “HOME OCCUPATION”, 450-119(D)(3), 450-120(D)(2), 450-121(D)(2), 450-122(D)(1), 450-123(D)(1), 450-124(D)(1), 450-125(C)(2), 450-125(D)(1), 450-126(C)(1), 450-126(D)(1), 450-127(D)(1), 450-128(C)(3), 450-128(D)(3), 450-129(D)(1), 450-130(E), 450-131(C) with the aforementioned portions to read as follows:

450-7 HOME OCCUPATION. Any occupation or business activity that results in a product or service and that is conducted for gainful employment in a dwelling unit by a person residing in that dwelling unit. A home occupation is customarily incidental to the residential use of the dwelling unit. Cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”), shall not be a home occupation. The words in this Chapter 450 related to cannabis shall have the meanings of the words as expressly defined in NMSA 26-2C-2, unless expressly defined herein.

450-119(D)(3) Industrial use, cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-120(D)(2) Commercial uses, cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-121(D)(2) Commercial uses, except for those uses specifically listed as special uses. There shall be no cannabis consumption area, commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-122(D)(1) Commercial uses, except for those uses specifically listed as special uses or allowed under a home occupation. There shall be no cannabis consumption area, commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-123(D)(1) Commercial uses, except for those uses specifically listed as special uses or allowed under a home occupation. There shall be no cannabis consumption area, commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-124(D)(1) Agricultural, cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-125(C)(2) Cannabis consumption area or cannabis retailer, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”), at least 300 feet from zones RA, RR, R-1, R-2 or R-3.

450-125(D)(1) Agriculture and cannabis producer activity which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-126(C)(1) The cannabis retailer sales which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”), at least 300 feet from zones RA, RR, R-1, R-2 or R-3.

450-126(D)(1) Agricultural, and cannabis producer activity which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-127(D)(1) Agricultural, cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-128(C)(3) Nursery for plants, and cannabis producer and cannabis manufacturer activities which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”), at least 300 feet from zones RA, RR, R-1, R-2 or R-3.

450-128(D)(3) Commercial uses, cannabis consumption area and cannabis retailer sales which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-129(D)(1) Agricultural uses, cannabis consumption area and commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

450-130(E) Development standards. A planned community shall be considered a separate zoning district in which the development plan, if and when approved, shall establish the restrictions and regulations according to what kind of development shall occur. However, R-1 setback yard development standards shall prevail for all principal permitted uses structures. There shall be no cannabis consumption area or commercial cannabis activity, or any portion thereof, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”), or within 300 feet of zones RA, RR, R-1, R-2 or R-3.

450-131(C) Uses requiring special use permit. Refer to uses permitted by special use in the respective zone. There shall be no cannabis consumption area, cannabis manufacturer or cannabis producer activity, which requires a license pursuant to the New Mexico Cannabis Regulation Act (“CRA”).

Section 4. The Code of the City of Las Vegas is hereby amended by repealing and replacing Sections 290-99(A) and Chapter 301 to read as follows:

290-99 Penalty.

A. If any person violates any of the provisions of this chapter, excluding Section 290-31, the City shall assess a fine for such violation. The mandatory amounts are as follows: first offense \$500, second offense \$750, third and each subsequent offense \$1,000. Each day this chapter is violated shall constitute a separate violation.

301-1 Title and purpose.

This chapter is called and may be cited as the "Nuisances Code Ordinance" for the Municipality of Las Vegas, New Mexico (the "City"). The abatement of public nuisances for the protection of public health, safety and welfare is a matter of local concern. The purpose of this Chapter 301 is to abate public nuisances. The actions provided in Chapter 301 are designed to abate public nuisances by removing the property, both real and personal, from criminal and unsafe use, to make property owners vigilant in preventing public nuisances on, in or using their property and responsible for the lawful use of their property by tenants, guests and occupants, and to deter public nuisances.

301-2 Definitions and rules of construction.

In the construction of the Nuisances Code Ordinance, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section of this chapter, or unless inconsistent with the manifest intent of this chapter:

CITY CODE ENFORCEMENT OFFICER

A City employee who is charged with carrying out and enforcing provisions of the City Code, including but not limited to the provisions of this chapter.

LEGAL OR EQUITABLE INTEREST OR RIGHT OF POSSESSION

Every legal or equitable interest, title, estate or right of possession recognized by law and equity, including without limitations freeholds, life estates, future interests, condominium rights, time-share rights, leaseholds, easements, licenses, liens, deeds of trust, contractual rights, mortgages, security interests, real estate contract, and any right or obligation to manage or act as agent or trustee for any person or entity holding any of the foregoing.

OWNER

Includes any person that holds record title or an interest in or to the property and any person entitled under any agreement to the control or direction of the management or disposition of the building or premises where the violation in question occurs.

PERSON

Any human being or legal entity, whether incorporated or unincorporated.

SHALL

"Shall" is mandatory, and "may" is permissive.

SOLID WASTE

That which is commonly discarded as waste; or which, if discarded on the ground, will create or contribute to an unsanitary, offensive or unsightly condition. Refuse includes, but is not limited to, the following items or classes of items: waste food; wastepaper and paper products; cans, bottles, or other containers; junked household furnishings and equipment; junked parts or bodies of automobiles and other metallic junk or scrap;

portions or carcasses of dead animals; and collection of ashes, dirt, yard trimmings or other rubbish.

STREET

Any thoroughfare that can accommodate pedestrian or vehicular traffic, is open to the public and is under the control of the City of Las Vegas.

301-3 Violations and penalties.

Any person or entity found guilty of violating any of the provisions of this chapter shall be fined \$500.00 or imprisoned for a period of not more than 90 days, or both, and each day this chapter is violated shall constitute a separate offense. The aforementioned \$500.00 fine is absolute, and no judge shall exercise discretion of said amount.

301-4 Prohibitions and enforcement.

It shall be unlawful for any person or entity who is the owner, manager, tenant, lessee, occupant or other person having any legal or equitable interest or right of possession in or to any real property, motor vehicle, or other personal property ("Interested Person") to cause, permit, maintain, promote, facilitate, fail to prevent, or allow the creation or maintenance of a public nuisance as described in Section 301-6 on such property. For purposes of this chapter, the owner of property means the person in control of the property, or the owner's representative, an agent or attorney-in-fact or power-of-attorney of the owner. Enforcement of a violation of Section 301-6, and administration, supervision or performance of actions taken pursuant to this chapter shall be through the City's code enforcement division.

301-5 Nuisance declared.

For the health, safety and welfare of the City residents and visitors, it is necessary to prohibit certain activities and matters from the public view, including without limitation the observation of activities involving cannabis and cannabis products by persons under 21 years of age, and the accumulation of junk, trash, used tires, vehicle parts, certain vehicles as described below, solid waste on property, and persons living, squatting or otherwise inhabiting a structure without utilities within the City limits by declaring such matters a nuisance. It shall also be unlawful to be in the possession of or maintain a lot, building or structure that is dangerous, unsafe or not compliant with applicable codes, if said non-compliance poses a credible danger, fire hazard or otherwise creates a public nuisance. The following are hereby declared to be a public nuisance:

(A) Abandoned property. Any deteriorated, wrecked, dismantled or partially dismantled, inoperable and/or abandoned property, or in unusable condition, having no value other than nominal scrap or junk value, which has been left unprotected from the elements outside of a permanent and enclosed structure. Without being so restricted this shall include deteriorated, wrecked, dismantled or partially dismantled, inoperable, or abandoned motor vehicles, abandoned mobile homes, trailers, boats, machinery, refrigerators, washing machines and other appliances, plumbing fixtures, furniture, building materials and any other similar articles or personal property in such condition. This Section A is not applicable to areas where such

activity is within the contemplated purpose of duly licensed businesses and such property is kept in a wholly enclosed garage or structure.

(B) Breeding place for flies, rodents and/or pests. The unhealthful accumulation or stockpiling of manure, garbage, tires, debris or discarded items which is a potential harboring place and breeding area for insects, rodents or other non-domesticated animals.

(C) Burning. The burning of any excrement, chemical or plastic substances, or any liquid or substance in violation of federal or state dischargeable substance statutes or City ordinances on any property. This includes the burning of any tires, rubber products, asphalt shingles, plastic, tar paper or any substance which may cause a black, hydrocarbon, toxic, or noxious plume of smoke.

(D) Combustible materials. Any dangerous accumulation upon any property of combustible refuse matter such as paper, sweepings, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard and other like materials, including any flammable or volatile solvents that may be used to manufacture cannabis products.

(E) Dead animals. For the owner of a dead animal to permit it to remain undisposed for more than seventy-two (72) hours.

(F) Disposal or dumping. The accumulation of garbage, refuse, waste, trash, rubbish or building materials upon any property outside an approved landfill.

(G) Dangerous buildings. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary or unmaintained condition that it is a menace or danger, or potential danger, to the health of people residing in the vicinity thereof, presents a fire hazard, or presents a danger to adjacent or nearby properties. Any building, property or other structure shall be considered dangerous and not habitable for purposes of this Chapter if said building, property or structure is not connected to, able to use services from, or does not have the infrastructure to provide, the following utilities: potable water from the City or a functioning and producing well; electricity; solid-waste removal; wastewater services from the City or a functioning septic system.

(H) Odors. All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires.

(I) Pollution. The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, dairy waste, industrial wastes, agricultural wastes, cannabis wastes, or other substances. Polluting water consists of knowingly or unlawfully introducing any object or substance into any body of public water causing it to be offensive or dangerous for human or animal consumption, or human or animal use. Polluting water constitutes a public nuisance. For the purpose of this section, "body of water" means any public river or tributary thereof, stream, lake, pond, reservoir, acequia, canal, ditch, spring, well or declared or known groundwaters.

(J) Illegal activity. Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of law.

(K) Any activity related to cannabis at any location where cannabis or cannabis products are cultivated, processed, manufactured, produced, stored, held, weighed, packaged, used, ingested, disposed or wasted shall not create a nuisance or disturbance that can be observed or perceived from any public place or public property, any adjacent or nearby property, or the exterior of the structure in which said activities are taking place, including without limitation, (i) any form of signage not approved by the City, (ii) abnormal or unusual odors, smells, fragrances or other olfactory stimulus, (iii) light pollution, glare or brightness that disturbs or affects other persons or adjacent or nearby property, or (iv) noise or vibration from ventilation fans that disturb or affect another person or another property. The smell or odor of cannabis or cannabis products shall not be capable of being detected by a person with a normal sense of smell from any adjoining or nearby lot, parcel or tract of land, or from any public right of way, public place or public property. Any property where cannabis is cultivated, processed, manufactured, tested, stored, held, sold, weighed, packaged, used, disposed or wasted shall be used, operated and maintained in such a manner in which at no time shall it constitute a nuisance or hazard to the surrounding area, buildings, businesses or neighborhood.

(L) Unsanitary premises. It shall be unlawful for any person to permit or cause to remain in or on such person's premises any solid waste, weeds, trash, rubbish, overgrown plants or trees, vehicle parts, or other condition which is unsanitary, unmaintained or contrary to public health or safety.

(M) Solid waste receptacles. All solid waste receptacles shall be maintained in a clean and sanitary condition by the owner or person using the receptacle, and such receptacles shall be located only in such places as shall be readily accessible for removing and emptying the same, but shall not be placed in such place or position as may constitute a nuisance or obstruction to vehicular or pedestrian traffic.

(N) Definitions. As used in this chapter, the following terms shall have the following meanings:

DISMANTLED OR PARTIALLY DISMANTLED VEHICLE

Any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.

INOPERATIVE OR INOPERABLE MOTOR VEHICLE

Any motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

MOTOR VEHICLE

Any wheeled vehicle which is self-propelled or intended to be self-propelled.

DANGEROUS BUILDING/STRUCTURE

Any building or structure from which the foundation, windows, roofs, walls, vents, floors, and/or doors are susceptible to precipitation, insects, rodents, and vermin entering

the building, or causing an infestation that can affect the public comfort, health, peace, welfare, or safety.

UNSAFE BUILDING/STRUCTURE

Any building or structure, or any part of a building or structure, that is in an impaired condition that makes it unsafe to any person, animal or nearby or adjacent property.

301-6 Notice to abate.

Any municipal code enforcement officer, or other person designated by the City, upon observing any violation of this chapter shall issue a notice to an Interested Person. The notice shall describe the violation and shall provide a time limit for remedying the violation by the Interested Person, which shall not be less than two days or more than five days after notice is given by the City. The violation notice may be served personally upon any of the aforementioned persons in this section, by certified mail to the property's address or posted on the property

301-7 Contents of notice; red tag; time limit for compliance.

(A) The first notice will be in the form of a violation notice (red tag) which will be delivered pursuant to 301-7. The red tag will describe the violation and contain a compliance date. If the violation is not fully remedied by the stated deadline, then the City, in its sole discretion, may proceed with abatement of the violation, with the filing of a complaint in a court of law, or may issue a second red tag notice. If the violation is not fully remedied by the deadline stated in the second red tag, then the City may proceed, in the City's sole discretion, with abatement of the violation or with the filing of a complaint in a court of law. The property owner may request in writing from the Community Development Department an extension of the red tag deadline, which may be granted in the City's sole discretion. The City, in its sole discretion, may bypass the issuance of a violation notice and proceed directly to filing a complaint in a court of law.

301-8 Abatement by City.

Upon the failure to timely abate the nuisance pursuant to 301-7, the City may proceed without notice to abate such nuisance itself.

301-9 City's cost declared lien.

Any and all costs incurred by the City in the abatement of a nuisance, or for amounts or fines assessed or arising under this chapter, shall constitute a lien against the property upon which the nuisance existed, which lien, and its contents, shall be recorded in a form that is substantially similar to the lien form required by NMSA 3-36-1. The principal amount of any lien imposed by the City under this Chapter shall bear interest at the rate of twelve percent per annum from the date of recording of the lien. The City, in its sole discretion, may foreclose on the lien, sell or assign such lien, or take any other action it deems necessary regarding the lien.

301-10 Alternative method of abatement.

A. Except as otherwise provided in this Section, an action filed in court for abatement shall be governed by the New Mexico Rules of Civil Procedure.

B. A civil action to abate a public nuisance may be brought in any court of competent jurisdiction against any person or entity who violates any provision of this Chapter.

C. For cases in the City's Municipal Court, a lien against real estate may be foreclosed in the same manner that mortgages or other liens against real estate are foreclosed with like rights of redemption. A lien against personal property may be foreclosed in the same manner security interests are foreclosed. At the trial of any case foreclosing any lien, the recitals of the lien or other evidence of indebtedness shall be received in evidence as prima facie true. In the foreclosure of any lien created by municipal ordinance or under authority of law, a reasonable attorney's fee shall be granted by the court as part of the reasonable costs of the case.

D. The City may file a criminal complaint for public nuisance in the appropriate court as provided by New Mexico law.

E. Pursuant to NMSA 30-8-8(B), as it may be amended, a civil action to abate a public nuisance may be brought, by verified complaint in the name of the state without cost, by any public officer or private citizen, in the district court of the county where the public nuisance exists, against any person, corporation or association of persons who shall create, perform or maintain a public nuisance.

Section 5. The Code of the City of Las Vegas is hereby amended by repealing and replacing Section 440-18 to read as follows:

440-18 Limitation of use. Resale of water service or the furnishing of water service to others by a customer shall not be permitted except where such resale or furnishing of service is provided for in the applicable schedule and in a written agreement between the customer and the City. City municipal water and wastewater shall not be used for the commercial cultivation, processing, manufacturing or production of cannabis or cannabis products or other commercial agricultural or commercial dairy purposes.

Section 6. The Code of the City of Las Vegas is hereby amended by repealing and replacing Sections 450-83, 450-84 and 450-88 to read as follows:

450-83 Filing fee for variance, conditional use and special use permit. A fee of \$175.00 for each variance or special use application and a fee of \$800.00 for each conditional use application shall be paid to the City of Las Vegas through the Community Development Department upon the filing of such application as provided in this chapter. Paying of the application fee shall not be construed in any way to be approval of the proposed permit, and no refund of any fee shall be granted under any circumstances. All entities which submitted a medical cannabis application or recreational license application with the New Mexico Cannabis Control Division ("CCD") for commercial cannabis activity or cannabis consumption area, including without limitation all entities currently and completely licensed for medical use pursuant to the Lynn and Erin

Compassionate Use Act, are required to submit a conditional use application to the City, pay the non-refundable application fee and provide a copy of the entity's approved license from the CCD for the City's consideration of conditional use for commercial cannabis activity or a cannabis consumption area, with the understanding that submittal of such application to the City shall not in any way guarantee approval. Currently licensed hemp producers in good standing with the New Mexico Environmental Department and the Secretary of State's Office, and currently licensed medical cannabis producers in good standing with the New Mexico Department of Health and the CCD seeking dual licensure for recreational cannabis production, must also submit a conditional use application to the City, and comply with all City codes.

450-84 Setting hearings. All completed applications for variances, conditional use or special use permits, as provided in this chapter, shall be set by the City Manager or City Manager's designee for public hearing. The date of the first hearing shall not be less than 15 days or more than 60 days from the date of the filing of a completed application.

450-88 Board to act on variance, special use or conditional use.

A. Not more than 60 days following completion of its investigation and hearings on the application for a variance, conditional use or special use, the Board of Adjustment shall by majority vote: (1) grant or deny the variance or special use permit subject to specified conditions; and (2) adopt written findings which provide all facts relied upon by the Board in rendering its decision, set forth whether the facts meet or fail the requirements of this chapter, and state the reasons for any conditions imposed by the Board; all of which will be provided in the minutes of the Board's meeting. All special or conditional use applications shall have a site plan attached to the application before the City will review or process the application. Approval of the site plan shall be obtained prior to any development of the property. The site plan at a minimum shall include the following: (i) scale and north arrow; (ii) lot boundaries and easements; (iii) existing and proposed utilities, (iv) existing and proposed rights-of-way; (v) proposed structures with uses, dimensions and setbacks; (vi) proposed ingress, egress, parking and circulation; (vii) landscaping and landscape buffers; (viii) elevations; (ix) adjacent property characteristics; and (x) preliminary drainage plan.

B. Failure of the Board to act on any variance, special use or conditional use application within 60 days from the date of the filing of a completed application shall qualify the applicant to request a hearing before the City's Governing Body. No rights, benefits, permits, approvals or other such items contained in this Chapter 450 shall be transferred, conveyed or assigned to any other entity or location.

Section 7. The Code of the City of Las Vegas is hereby amended by repealing and replacing Section 192-53 to read as follows:

192-52 Unlawful possession of cannabis; penalties.

Cannabis shall have be defined as provided in the Cannabis Regulation Act. It shall be unlawful to use, possess, cultivate, process, manufacture, sell, give away, or take any other action regarding cannabis that is contrary to law.

Section 8. The Code of the City of Las Vegas is hereby amended by repealing and replacing Section 12-6-12.2(K) to read as follows:

If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of § 12-6-12.1A, B, C or D, a first offender, at the discretion of a trial court after a presentence investigation, including an inquiry to the Motor Vehicle Division of the Transportation Department concerning the driver's driving record, may receive a deferred sentence on the condition that the driver attend a driver rehabilitation program, also known as the "driving while intoxicated school," approved by the court and the Division and such other rehabilitative services as the court may determine to be necessary; however, imposition of a deferred sentence shall classify the person as a first offender. The Municipal Court shall forward to the Division the abstract of all proceedings and the report of the disposition of the case. For the purpose of this subsection, cannabis, as defined by NMSA 26-2C-2, shall be classified as a drug.

Section 9. The Governing Body finds, determines and declares that this ordinance is promulgated for the health, safety and welfare of the public, and that this ordinance is necessary for the preservation of health, safety and for the protection of the public welfare.

Section 10. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The Governing Body specifically finds and declares that it would have passed this ordinance, and each part thereof, regardless of the fact that one or more parts could be declared invalid, severable or unconstitutional.

Section 11. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this _____ day of December, 2021.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney



CITY OF LAS VEGAS
COUNCIL REGULAR MEETING AGENDA REQUEST FORM

Meeting Date: December 8, 2021

Date Submitted: 11/29/21

Department: City Attorney

Item/Topic: Conduct a public hearing and Adoption of Ordinance No. 21-19 amending the Code of the City of Las Vegas by repealing and replacing Section 389-15 entitled "Use of Monies" and Section 389-6, entitled "Exemptions", and by creating a new Article III in Section 160 entitled "Adult businesses".

The use of monies and exemptions under this chapter shall comply with NMSA 3-38-et al and 3-38-16 and all other applicable laws. This ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter and is an exercise of the City's home rule powers. Publication requirements have been met.

Fiscal Impact: Cost to incorporate into City Code

Attachments: Ordinance No. 21-19

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Approved For Submittal By:

Reviewed By:


Department Director

Finance Director


City Manager

City Attorney (Approved as to Form)

CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Contract No. _____
Approved _____

Continued To: _____
Referred To: _____
Denied _____
Other _____

CITY OF LAS VEGAS, NEW MEXICO

Ordinance No. 21-19

AN ORDINANCE TO AMEND the Code of the City of Las Vegas by repealing and replacing Section 389-15, entitled “Use of monies” and Section 389-6, entitled “Exemptions”, and by creating a new Article III in Section 160 entitled “Adult businesses”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City’s home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas, Section 389-15 is hereby deleted in its entirety and replaced to read as follows:

“The use of monies under this Chapter shall comply with NMSA 3-38-*et al*, as amended.”

Section 2. The Code of the City of Las Vegas, Section 389-6 is deleted in its entirety and replaced to read as follows:

“The exemptions from occupancy tax shall comply with NMSA 3-38-16, as amended.”

Section 3. The Code of the City of Las Vegas is hereby amended by adding thereto a new Article III entitled “Adult businesses” to read as follows:

160.26. Purpose.

A. There are some land uses which, because of their nature, are recognized as having serious objectionable characteristics, particularly when more than one are concentrated in one area thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The primary purpose is for preventing a concentration of these uses in any one area.

B. Uses subject to this chapter are:

1. Adults-only bookstores;
2. Adults-only motion picture theaters;
3. Adult entertainment centers;
4. Massage parlors;
5. Saunas; and
6. Other such locations which provide any activities similar to the foregoing uses.

160.27. Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ENTERTAINMENT CENTER. An enclosed building or a part of an enclosed building, which contains one or more mechanisms which, when activated, permit a customer to view a live person unclothed or in attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic area, anus, cleft of the buttocks, vulva of genitals or an enclosed building or a part of an enclosed building to which there is charged any admission or fee for the viewing of any activity as described in this Section.

ADULTS-ONLY BOOKSTORE. An establishment having as a portion of its stock in trade, books, magazines, films or other materials for rent or sale and other periodicals which are distinguished or characterized by their principal emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or having equipment for viewing on premises by use of motion picture devices or other means.

ADULTS-ONLY MOTION PICTURE THEATER. An enclosed building used regularly or routinely for presenting programs, material distinguished or characterized by an emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, for observation by patrons therein.

MASSAGE PARLOR. An establishment or place primarily in the business of providing massage services other than by licensed massage therapists under the New Mexico Therapy Practice Act, NMSA 61-12C-1 et seq.

NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion of the aureola thereof, or the depiction of covered male genitals in a discernible turgid state.

SADOMASOCHISTIC ABUSE. Flagellation or torture in which one person is depicted as enjoying the infliction of physical or mental suffering on another person, who is depicted as deriving pleasure from experiencing pain.

SAUNA. An establishment or place primarily in the business of providing a steam bath and massage services other than by licensed massage therapists under the New Mexico Therapy Practice Act, NMSA 61-12C-1 et seq.

SEXUAL CONDUCT. Acts of masturbation, sodomy, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if the person be a female, her breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

160-28. Location restriction.

A. Adults-only bookstores, motion picture theaters, adult entertainment centers, massage parlors or saunas. No adults-only bookstore, adults-only motion picture theater, adult entertainment center, massage parlor or sauna shall be located, operated or maintained except within a C-1, retail commercial district.

B. All regulated uses. Any and all adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors or saunas shall not be permitted on an exterior portion of a lot, unit, building or structure, and shall maintain a minimum separation distance of at least a 1,000 foot radius, with the radius being measured from the subject property boundaries, from any residentially zoned district, house of worship, daycare center, public library, educational facility, cannabis consumption area or any location engaging in commercial cannabis activity. Only one of the above regulated uses shall be allowed per block face.

C. Any and all adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors or saunas, shall have initial code inspections by various departments of the City, shall comply with any and all requirements and conditions of said inspections prior to providing any sales or services, and shall submit to periodic code inspections. Fees for various code inspections:

Fire inspection: \$150.00

Water and wastewater inspection: \$150.00

Building inspection: \$150.00

Security inspection: \$150.00

D. Any and all adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors or saunas shall not be observable or perceptible from adjacent or nearby properties, or the exterior of the lot, building or unit in which the activity takes place or is located, including without limitation: (a) common visual observation or any form of signage not approved by the City; (b) light pollution, glare or brightness that disturbs others or affects property in the vicinity; or (c) noise which disturbs others or affects property in the vicinity. While City-approved signage may be located on the exterior of the building or unit, and persons may have a general knowledge that adult-related goods and services may be obtained at the location, the activities at such location shall conform to the requirements in this Subsection D.

160-29. Activity restrictions.

A. None of the activities described in this Section 160, Article III may serve or sell alcohol or cannabis.

B. No business shall permit the entry of minors under the age of 18 years.

C. Any and all adults-only bookstores, adults-only motion picture theaters, adult entertainment centers, massage parlors or saunas shall limit their hours of operation to the hours between noon and 11:00p.m. from Monday to Saturday, and between noon and 10:00pm on Sundays, and shall

have fulltime in-person security to prevent access for those under the age of 18 years and others who are not permitted in such establishments. The sales or service of any activity described in this Section 160, Article III from mobile, portable or temporary units, or drive-through locations is prohibited.

160-30. Sign requirements.

All uses under this Section 160, Article III shall comply with the following sign requirements:

A. All signs shall conform to the City's existing sign ordinances.

B. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from outside the building.

C. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

Section 4. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this _____ day of December, 2021.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney



**CITY OF LAS VEGAS
COUNCIL MEETING AGENDA REQUEST FORM**

Meeting Date: December 8, 2021

Date Submitted: 11/29/21

Department: Utilities

Item/Topic: Resolution No. 21-50 authorizing the purchase of a 930K wheel loader by Solid Waste from an expired lease belonging to Public Works.

Fiscal Impact: \$73,691 out of Solid Waste Budget.

Attachments: Resolution No. 21-50.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Approved For Submittal By:

Reviewed By:

Department Director

Finance Director

City Manager

City Attorney (Approved as to Form)

**CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Contract No. _____
Approved _____

Continued To: _____
Referred To: _____
Denied _____
Other _____

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 21-50

**A RESOLUTION AUTHORIZING THE PURCHASE OF A 930K WHEEL LOADER
FROM AN EXPIRED LEASE BELONGING TO PUBLIC WORKS**

WHEREAS, the City of Las Vegas Utilities Department, Solid Waste division uses a wheel loader for pushing trash, loading of the trailers, and property abatements;

WHEREAS, the Solid Waste Manager was advised of an opportunity to purchase a CAT Model # 930K Wheel Loader at the expiration of the Public Works lease for \$73,691.00;

WHEREAS, the 930K Caterpillar Front Wheel Loader has 1,308 miles;

WHEREAS, the Solid Waste division has the bucket and grapple for this K model;

WHEREAS, the Solid Waste division expects the 930K to last 6 or more years;

WHEREAS, the Solid Waste division is in the first year of a 60-month lease agreement with Caterpillar for this type of equipment;

WHEREAS, the Solid Waste division has a limited number of hours to be used during the lease;

WHEREAS, the Solid Waste division will have the opportunity to own this equipment to supplement the existing lease to ensure that the lease hours are not exceeded and to assist with other city projects which previously had to be scheduled around daily solid waste tasks;

WHEREAS, the Solid Waste division currently pays \$2,491.78 per month; and

WHEREAS, owning instead of renting can save \$29,901.36 a year.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are hereby incorporated herein by reference, and the City is hereby authorized to approve or disapprove this request to purchase the aforementioned leased equipment.

PASSED, APPROVED AND ADOPTED this _____ day of Dec, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney



**CITY OF LAS VEGAS
REGULAR CITY COUNCIL MEETING AGENDA
REQUEST FORM**

Meeting Date: December 8, 2021

Date Submitted: November 30, 2021

Department: Executive

Item/Topic: Requesting approval to move forward with the Samaritan House contract.

Fiscal Impact: Increase from \$40,000.00 per year (\$3,333.00 per month)
to \$60,000.00 per year (\$5,000.00 per Month)

Attachments: Contract, reviewed and approved by City Attorney Scott Aaron.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY CLERK'S OFFICE NO LATER THAN 5:00 P.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Approved For Submittal By:

Reviewed By:

Department Director

Finance Director



City Manager

City Attorney (Approved as to Form)

**CITY CLERK'S USE ONLY
COUNCIL ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Contract No. _____
Approved _____

Continued To: _____
Referred To: _____
Denied _____
Other _____

**SERVICES AGREEMENT BETWEEN THE CITY OF LAS VEGAS,
NEW MEXICO AND THE SAMARITAN HOUSE, INC.**

THIS AGREEMENT is hereby made and entered into this ____ day of December, 2021 (“Effective Date”) by and between the City of Las Vegas, a New Mexico home-rule municipality (“City”) and Samaritan House, Inc., a New Mexico non-profit corporation (“Samaritan”).

Recitals

WHEREAS, Samaritan is a non-profit corporation whose purpose is to provide shelter and other services to persons who are homeless and/or otherwise in need (“Services”); and

WHEREAS, the City commits to financial support of Samaritan in a monthly amount not to exceed five thousand dollars (\$5,000.00) through June 30, 2022; and

WHEREAS, Samaritan desires and commits to providing the Services under the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the covenants and agreements set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Samaritan and the City agree as follows:

1. Term. This Agreement shall valid through June 30, 2022, unless otherwise terminated pursuant to the termination provision herein. This Agreement shall not be effective until approved by the City Council and signed by the Mayor or designee.
2. Completion Schedule. Samaritan shall monthly complete the tasks and deliverables as provided in the section entitled “Scope of Work”.
3. Compensation and Payment Schedule. The City will pay Samaritan for services satisfactorily rendered in the monthly amount not to exceed \$5,000.00. Said amount shall be paid to Samaritan upon the City’s receipt of Samaritan’s monthly invoice on the condition that Samaritan has accomplished the Scope of Services outlined herein to the satisfaction of the City. Payments shall be made to Samaritan within thirty days after the City certifies its receipt of Samaritan’s invoice. No further amounts shall be available under this Agreement.
4. Termination. In addition to any other remedy provided by law, the City or Samaritan may terminate this Agreement for any reason or no reason at all, at any time, in the City’s sole discretion, by giving written notice to Samaritan. Samaritan shall render a final report of the services performed up to the date of termination and shall turn over the City original copies of all work product, research or documents prepared under this Agreement.

5. Samaritan Independent from City. Nothing in this Agreement is intended or shall be construed in any way as creating or establishing any partnership, joint venture or association or to make the Samaritan, or any of Samaritan's employees or agents, an agent, representative or employee of the City for any purpose or in any manner whatsoever. Samaritan is and will remain a separate entity, related to the City only by the provision and conditions of this Agreement. Samaritan, its agents, employees or subcontractors, are not employees or agents of the City for any purpose whatsoever. Samaritan shall have the exclusive right to direct and control the activities and services performed by its personnel and any and all of its sub-contractors. Samaritan and its agents, employees or subcontractors are not entitled to any of the benefits of the employees of the City, including without limitation Unemployment Compensation Law and Worker's Compensation coverage or benefits. The City shall have a position on Samaritan's Board of Directors for the duration of this Agreement, with said position being appointed by the City's mayor.

6. Appropriation. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of the Agreement. If sufficient appropriations or authorizations are not made, this Agreement shall terminate upon written notice being given by the City to Samaritan. The City's decision as to whether sufficient authorizations are available shall be accepted by Samaritan and shall be final.

7. Subcontracting. Samaritan shall not subcontract any portion of the services to be performed under this Agreement, unless specified herein or with the prior written approval by the City.

8. Assignment. Samaritan shall not assign or transfer any interest in this Agreement, or assign any claims for money due, or to become due, under this Agreement without the prior written approval of the City.

9. Taxes. Samaritan acknowledges that it, and it alone, shall be liable for and shall timely pay to the appropriate taxing entity any and all taxes required by law, and the City shall have no liability for payment of any such taxes.

10. Insurance Requirements. Prior to receiving any payments from the City, Samaritan, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City will be notified within ten (10) days of cancellation or modification of such policies. Policies of insurance will be written by companies authorized to write such insurance in New Mexico, and policies of insurance will be on forms properly filed and approved by the Superintendent of Insurance, State of New Mexico. Samaritan shall not begin any

activities in furtherance of this Agreement until the required insurance has been obtained and proper certificates of insurance delivered to the City Clerk. Neither approval nor failure by the City to disapprove insurance or certificates of insurance will relieve Samaritan of full responsibility to maintain the required insurance in full force and effect. Samaritan shall furnish the City with a copy of a "Certificate of Insurance" as a condition prior to performing service under this Agreement. Samaritan shall comply with the applicable provisions of the New Mexico Workers' Compensation Act, the Subsequent Injury Act, and the New Mexico Occupational Disease Disablement Law. If any portion of the activities are subcontracted, Samaritan will require the subcontractor similarly to provide such coverage (or qualify as a self-insured) for all the latter's employees to be engaged in such activities. Samaritan covenants and agrees that the City, its officers, or employees will not be liable or responsible for any claims or actions occasioned by Samaritan's failure to comply with the provisions of this paragraph and that the indemnification provision of this Agreement will apply to this paragraph. Samaritan shall provide the City with evidence of its compliance with such requirement prior to receiving any payments from the City. All documents required under this Section 10 shall be provided to the City Clerk's Office, and are hereby made part of this Agreement.

11. Indemnification. Samaritan agrees to indemnify and hold harmless the City, its elected officials, agents and employees from any and all claims, suits and causes of action which may arise. Samaritan further agrees to hold the City harmless from all claims for any injury, damages or death sustained by Samaritan, its employees, agents, other representatives, invitees or guests.

12. Release. Samaritan releases the City from all liabilities, claims and/or obligations whatsoever arising from, or under, this Agreement.

13. Non Agency. Samaritan shall not bind the City to any obligation not specifically assumed herein by the City, unless Samaritan has expressed written approval and then only within the limits of that expressed authority.

14. Confidentiality. Any information learned, given to, or developed by Samaritan in the performance of this Agreement shall be kept confidential and shall not be made available or otherwise released to any entity without the prior written approval of the City.

15. Conflict of Interest. Samaritan warrants that it presently has no interest or conflict of interest and shall not acquire any interest or conflict of interest which would conflict with its performance of services under this Agreement.

16. Non Discrimination. Samaritan agrees that it, its employee(s) and or agent(s) shall comply with all federal, state and local laws regarding equal employment opportunities, fair labor standards, and other non-discrimination and equal opportunity compliance laws, regulations and practices.

17. **Scope of Agreement and Amendment.** This Agreement constitutes the entire agreement between the City and Samaritan with respect to the subject matter herein, and all prior negotiations, writings, agreements and understandings are merged in and are superseded by this Agreement. No statement, promise or inducement made by the City or Samaritan, either written or oral, which is not contained in this Agreement is binding between the City and Samaritan.

18. **Applicable law.** This Agreement shall be governed by the Laws of the State of New Mexico and the Ordinances, resolution, rules and regulations of the City.

19. **Conformance to Laws.** Samaritan shall comply with all federal, state, county, municipal and other governmental statutes, ordinances, laws and regulations, now or hereafter enacted or amended, affecting City property or the services rendered under this Agreement. Samaritan shall not allow or facilitate any person to remain overnight at any place or facility other than Samaritan's property located at the corner of Lincoln Avenue and 7th Street ("Shelter"). Samaritan shall not provide or distribute tents, sleeping bags, blankets, medications, needles or other such items to any person unless such items are strictly for use at the Shelter. The Shelter's services and provisions, including all non-food items that are provided by the Shelter to its guests and invitees, shall be strictly limited to use on the Shelter's location and shall not be given to Samaritan's employees, guests and invitees for use off the Shelter's location. Samaritan will discourage their guests and invitees from loitering or sleeping in Lincoln Park and the residences in the general vicinity of Lincoln Park. The Shelter and the fence-enclosed area shall conform to all City ordinances and zoning laws prior to, and as a condition of, any payments being made under this Agreement.

20. **New Mexico Tort Claims Act.** Any liability incurred by the City in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 through 41-4-30. The City and its 'public employees' as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitation of liability pursuant to law. No provision in this Agreement modifies or waives any provisions of the New Mexico Tort Claims Act.

21. **Third Party Beneficiaries.** By entering into this Agreement, Samaritan and the City do not intend to, and shall not, create any right, title or interest in or for the benefit of any entity other than the City and Samaritan. No entity shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary under this Agreement.

22. **Miscellaneous.** Each individual who signs this Agreement warrants and represents, under penalty of perjury, that he/she has full and complete authority to execute this Agreement on behalf of their respective entity. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs and successors. Time shall be of the essence regarding all obligations of the parties herein. In the event that any of the terms of this Agreement are found by a court of competent jurisdiction to be

invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remainder of this Agreement shall continue in full force and effect. The City Manager shall have the final say as to the meaning of this Agreement, including, but not limited to, whether the deliverables were met or obligations were fulfilled. Samaritan and its members or agents understand that they may appeal the decision of the City Manager to the City's Governing Body. The waiver by either party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach to the same or any other provision of the Agreement. This Agreement is subject to the terms and conditions of the Statutes of New Mexico, the Charter and Ordinances of the City of Las Vegas as they exist at the time this Agreement is signed. All of these Statutes, Charter and Ordinances are incorporated by reference into this Agreement.

23. Scope of Services. Samaritan shall provide the following services for the City:

Staffing: Samaritan shall operate a homeless shelter located at the corner of 7th Street and Lincoln Avenue. The Shelter will be staffed in the evenings. Staff will conduct intake, serve dinner, and ensure that guests are settled in comfortably and safely. The nighttime staff member will be on duty overnight.

Staff and volunteers shall receive training on Shelter rules and operations, crisis management, basic first aid, hygiene, issues related to the homeless population and food preparation and dishwashing. They will also be required to write a log entry for each evening. Some resources-referral assistance will be offered and visits from a case worker and/or social worker interns from NMHU will be scheduled for a couple of evenings each week.

Food Preparation & Service: Samaritan shall bring food in from commercial kitchens off-site, so there will be only warming of food at the Shelter. We will work with the health department to ensure that food is handled properly and the dishwashing process meets all applicable laws and regulations.

Emergency Shelter Facilities: The Shelter will be a safe, warm, and secure facility that is open to anyone who needs help and is willing to observe the facility's rules. Samaritan shall provide beds for up to twelve (12) people. There will be a limited kitchen facility that is off-limits to guests, a dining area, bathrooms, and storage facilities for personal items and for Shelter equipment and bedding. Smoking will be restricted to a secured area outside of the building and within the Shelter's fenced-enclosed area. The Shelter shall provide a computer available for the guests for document preparation, skills training, and recreation.

Licenses: Samaritan shall obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

Reports: Samaritan shall provide to the City Manager and the City Finance Department a monthly report outlining a line item budget breakdown of expenses to be incurred during

the term of the Agreement. Any and all payments made from the City to Samaritan under this Agreement shall be made upon receipt and approval by the City Manager of detailed statements containing a report of services completed by Samaritan. Samaritan shall be paid by the City only for services actually performed.

Records and Audits: Samaritan shall maintain, throughout the term of this Agreement and for a period of five years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment, and upon request of the City, Samaritan shall provide to the City a copy of all of its books and financial documentation for the City's review. Payment under this Agreement shall not foreclose the right of the City to recover excessive illegal or mistaken payments.

Inspections: The City, its employees, law enforcement and designees, have the right to enter and inspect any and all of Samaritan's properties at any time, for any reason, with or without advance notice.

In witness whereof, the City and Samaritan have duly executed this instrument as of the Effective Date.

CITY OF LAS VEGAS

SAMARITAN:

Approved By:

Leo Maestas, City Manager

Signature

Printed Name: _____

Title: _____

Email address: _____

Date: _____

Date: _____

Attest:

Cassandra Fresquez, City Clerk

Approved as to legal sufficiency:

Scott Aaron, City Attorney