

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, MARCH 20, 2024 AT 5:30 P.M. IN THE SAN MIGUEL COUNTY CHAMBERS.

MAYOR: David Romero

COUNCILORS: Marvin Martinez
Barbara Casey *via Cell Phone*
Michael L. Montoya
David Ulibarri

ALSO PRESENT: Tim Montgomery, City Manager
Casandra Fresquez, City Clerk
Caleb Marquez, Sergeant at Arms

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Casey asked for the creator to lead them in the direction to make good decisions on behalf of the community they represent. Councilor Casey also asked to send condolences to the family of Esther Barnes who passed away.

APPROVAL OF AGENDA

City Manager Tim Montgomery asked to remove Executive Session Action Item #1.

Councilor Montoya asked to move Business Item #5 after Public Input.

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

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

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Fresquez advised that there was no public input.

BUSINESS ITEMS

- 5. Discussion/Direction and Possible Action on Animal Ordinance, Chapter 118.

Mayor Romero advised that the community has been asking for the Animal Ordinance to be updated and asked Contracted City Attorney Ambrosio Castellano to discuss the draft ordinance.

Contracted City Attorney Ambrosio Castellano advised that they looked at both the City of Santa Fe and City of Socorro Animal Ordinance. Mr. Castellano advised that they came up with what they felt was a very good Animal Ordinance that would give the City authority to deal with certain animal issues. Mr. Castellano discussed the following that were added to draft ordinance; definitions, Animal Control allowed to issue citations, humanely disposing of unclaimed animals left in the shelter, permits needed to sell animals on private property such as the Walmart parking lot, abandonment of animals, and a drafted citation table with fines.

Animal Care Center Manager Beatriz Gallegos advised that they want to add mandatory microchipping so they could hold people accountable for loose animals.

Councilor Martinez advised that the drafted ordinance had a lot of information and hopes they have the backup to support it.

Animal Care Center Manager Gallegos advised that they would still need to draft up the permits and paperwork.

Discussion took place regarding citations given out by Animal Control. Councilor Montoya asked how many community meetings they had regarding the drafted ordinance.

Mayor Romero advised that there weren't any public advertised community meetings but they shared the draft ordinance with Animal Advocates.

Discussion took place regarding Code Enforcement and Police Officers attending court, penalties from citations being enforced, the drafted ordinance covering those who drive with dogs on their laps and how they will educate the public regarding the updated ordinance.

Councilor Casey advised that it's important to have a community meeting to discuss the changes in the ordinance, letting the Optic know about the changes to the ordinance and talking about the changes on the radio.

Mayor Romero advised Council to add any input they may have and for Mr. Castellano to have bullet points of what the changes were for the public.

Councilor Casey made a motion for Council to add any input they may have, for Mr. Castellano to have bullet points of what the changes were for the public and to hold public meetings. Councilor Montoya seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

MAYOR’S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Romero recognized the firefighters and first responders who responded to the house fire on Grand Avenue last week. Mayor Romero advised that Fire Chief Spann would be working on official recognitions.

COUNCILORS’ REPORTS

Councilor Montoya informed the public about the dirt bike scramble taking place at Rodriguez Park over the weekend.

POLICE CHIEF’S REPORT

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

- Field Operations Division (patrol) calls
- Animal Care Center updates
 - Dogs (54) 2/1/24
 - Feline (18) 2/1/24
 - Dog end count (63)
 - Cat end count (15)
- Information Division/Records
- Street Crimes
 - Evidence seized
 - Attended Meetings
- Travel/Trainings
- Recruitment
- Community Events
- Department vacancies (31)

Councilor Montoya advised that they need to do better with recruiting more officers and staff.

FINANCE REPORT

Interim Finance Director Dominic Chavez reported on the month of February and advised that the General fund had a revenue of (\$10,664,947), an expenditure of (\$8,770,495) and a surplus of (\$1,894,452), the Enterprise fund had a revenue of (\$11,059,827), an expenditure of (\$10,066,315) and a surplus of (\$993,513), the Recreation department had a revenue of (\$377,227), an expenditure of (\$418,444) and a deficit of (\$41,217), the Lodger's Tax fund had a revenue of (\$437,186), an expenditure of (\$322,510) and a surplus of (\$114,677) and Cannabis fund had a revenue of (\$87,898), an expenditure of (\$2,179) and a surplus of (\$85,720).

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

BUSINESS ITEMS (cont.)

1. Request approval of Resolution 24-08, a budget adjustment for the 2023-2024 Fiscal Year.

Interim Finance Director Dominic Chavez advised City of Las Vegas is in need of making a budget adjustment in the 2023-24 fiscal year budget to include an exp increase to Fund 101-5400 – General Services in amount of \$9,500 for the Samaritan House and a rev/exp increase to Fund 101-5400 – General Services in amount of \$20,000 for Rodriquez Park rental to LCC.

Councilor Ulibarri made a motion to approve Resolution 24-08, budget adjustment for the 2023-2024 Fiscal Year. Councilor Martinez seconded the motion.

Resolution 24-08 was presented as follows:

**CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 24-08**

A RESOLUTION TO MAKE BUDGET ADJUSTMENT FOR THE 2023-2024 FISCAL YEAR

WHEREAS, the Governing Body of the City of Las Vegas has developed a budget adjustment request for fiscal year 2023-24; and

WHEREAS, said budget was developed on basis of increases in revenue, expenditure and transfer (in) out through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the City of Las Vegas is in need of making a budget adjustment in the 2023-24 fiscal year budget to include an exp increase to Fund 101-5400 – General Services in amount of \$9,500 for the Samaritan House and a rev/exp increase to Fund 101-5400 – General Services in amount of \$20,000 for Rodriguez Park rental to LCC.

WHEREAS, the Governing Body finds the budget adjustment request should be as it meets the requirements as currently determined for fiscal year 2023-24; and,

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

ACCEPTED AND APPROVED this day _____ of March 2024.

Mayor David G. Romero

ATTEST:

Casandra Fresquez, City Clerk

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

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

City Clerk Fresquez advised the motion carried.

2. Consideration to approve the restructuring of the Police Department Organizational Chart by removing the Financial Specialist and freezing the Administrative Assistant II position to create and add an Office Manager position.

City Manager Tim Montgomery advised that June Tafoya was the Financial Specialist and has since moved into the Interim Community Services Director position.

HR Director Darlene Arguello advised that Raelene Lopez is currently in the Administration Assistant II position and is being cross trained by June Tafoya for the Financial Specialist/Grant Administrator position.

Councilor Martinez voiced his concerns regarding a Police Chief being in place before approving the restructuring of the Police Department Organizational Chart.

HR Director Arguello advised that it was important to move forward with creating and adding an Office Manager position since the Financial Specialist was moved into the Interim Community Services Director position.

Councilor Montoya made a motion to approve the restructuring of the Police Department Organizational Chart by removing the Financial Specialist and freezing the Administrative Assistant II position to create and add an Office Manager position. Councilor Ulibarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

- 3. Request approval of Resolution No. 24-10 applying for and assuring matching funds, in the amount of \$2,218,847.38 and to apply for a Match Waiver for the Transportation Project Fund (TPF).

Public Works Director Arnold Lopez advised that the resolution is to fund, if awarded, the El Creston phase II project.

Councilor Montoya made a motion to approve Resolution No. 24-10 applying for and assuring matching funds, in the amount of \$2,218,847.38 and to apply for a Match Waiver for the Transportation Project Fund (TPF). Councilor Martinez seconded the motion.

Resolution 24-10 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 24- 10

A RESOLUTION TO APPLY FOR AND ASSURE THE AVAILABILITY OF MATCHING FUNDS FOR THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) TRANSPORTATION PROJECT FUND (TPF) AND TO APPLY FOR A MATCH WAIVER.

WHEREAS, the City of Las Vegas (“City”) will be applying to the New Mexico Department of Transportation (“NMDOT”) for a Transportation Project Fund Grant (the “Grant”) for construction, reconstruction, pavement rehabilitation, ADA compliant curb & ramps, drainage improvements, construction management, and miscellaneous construction to El Creston Circle; and

WHEREAS, the City of Las Vegas intends to request a waiver for the matching fund requirement. The City of Las Vegas has a limited tax base which limits the funding for meeting the proportional matching share and a fund exists by the New Mexico State Legislature for Public Entities in need of “Hardship”; and

WHEREAS, the City expects the amount of the projects to be a total of \$2,218,847.38; and

WHEREAS, the City would have to contribute 5% (\$110,942.38) in order to receive the Grant of (95%) \$2,107,905.26 for a total amount of \$2,218,847.38; and

WHEREAS, the City will pay any costs that exceed the project amount if the application is selected for funding; and

WHEREAS, if the City is successful in receiving the Grant, it will be used for the Phase II on El Creston Circle for drainage improvements, ADA compliant curb & ramps, road improvements and construction management, project being 0.40 miles.

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 agrees to contribute 5% of the Grant amount in order to obtain the Grant, and agrees to use the Grant for road improvements on El Creston Circle in the City of Las Vegas.

APPROVED AND ADOPTED this ____ day of March 2024.

David Romero, Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

David Ulibarri

Yes

Michael L. Montoya

Yes

City Clerk Fresquez advised there was no specific timeline in the City Charter but they do have to follow the Secretary of States timeline.

Councilor Montoya advised that the Governing Body, City Attorney, City Clerk and City Manager could come up with what needs to be done with the City Charter.

Councilor Montoya made a motion for Mayor and Council to proceed with reviewing the City Charter. Councilor Ulibarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised there was a tie.

Mayor Romero voted no and broke the tie.

City Clerk Fresquez advised the motion did not carry.

Councilor Martinez made a motion to appoint a Charter Commission. Councilor Casey seconded the motion.

Mayor Romero asked City Clerk Fresquez to read the requirements for Charter Commission members.

City Clerk Fresquez advised that, "The Charter Commission shall consist of seven(7) members. One (1) member shall be appointed from each council district and shall reside in said district during the period of review. Three (3) members shall be residents of the City, appointed at large, with equal representation among the districts to the greatest extent possible. The Mayor shall appoint six (6) Commission members, including the districted representatives, subject to Council approval. The seventh(7th) member shall be recommended by the Municipal

Judge for appointment by the Mayor and approval by the Council. The Commission shall select one of its members to act as chair”.

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

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

City Clerk Fresquez advised the motion carried.

2. Attorney Selection

Mayor Romero asked if they should continue with Contracted City Attorney Randy Van Vleck or go with someone neutral.

City Manager Montgomery advised that they have been using all three contracted City Attorneys and they would have to see what the balances were.

HR Director Arguello advised that the current balances won't sustain the amount needed to review and update the City Charter. HR Director Arguello advised that they may need to go out for an RFP specifically for the City Charter.

Councilor Montoya made a motion to move forward with an RFP on selecting an Attorney for the City Charter Review. Councilor Casey seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

3. Charter Revision or Separate Ballot Questions

Councilor Montoya advised that he asked City Clerk Fresquez to reach out to the Secretary of State to see if they could revise the whole City Charter with one question or if they would need to have separate questions.

City Clerk Fresquez advised that she has not had a response from the Secretary of State.

Discussion took place regarding the number of ballots if they have multiple questions or having one question to revise the whole City Charter.

Councilor Montoya voiced his opinion for having one question to revise the whole City Charter which would benefit the people.

Councilor Martinez advised that it would be best to have a total revision to simplify it for the voters.

Councilor Casey made a motion to have a complete Charter revision. Councilor Martinez seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

7. Request approval of a 1 year contract for FY25 with LUMU for automation of cyber security fabric of the City of Las Vegas.

IT Manager Kenny Roybal advised that LUMU was a security fabric automation to help process and review logs in case of a cyber breach.

Mayor Romero asked if the program would eliminate possible ransomware attacks.

IT Manager Roybal advised that it would eliminate it but would also aid IT in stopping a threat.

Mayor Romero asked if there were any liabilities if the program did not catch a threat.

IT Manager Roybal advised there is coverage built into the program to cover liabilities and recover any assets.

Councilor Martinez asked what the financial cost would be.

IT Manager Roybal advised that the annual cost would be \$18,912.60.

Councilor Montoya asked if it would be installed into the existing system and where the funding would come from for the \$18,912.60 and \$47,629.20.

IT Manager Roybal advised that the \$47,629.20 was for a 3 year contract but due to procurement they are recommending the one year contract for \$18,912.60.

City Manager Montgomery advised that they would have to add it as a new budget item for the next fiscal year.

Councilor Martinez made a motion to approve a 1 year contract for FY25 with LUMU for automation of cyber security fabric of the City of Las Vegas. Councilor Montoya seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

8. Introduction of the two (2) selected applicants considered for Police Chief (each applicant is allowed 5 minutes to speak):

Mayor Romero advised that the position for Police Chief was open in November and they allowed individuals to apply. Mayor Romero advised that they narrowed it down to two applicants.

- 1) Caleb Marquez provided an introduction of himself regarding his education and background.

- 2) Eric Padilla provided an introduction of himself regarding his background.

Mayor Romero thanked the applicants for applying.

EXECUTIVE SESSION

Councilor Martinez made a motion to convene into executive session for the purpose of discussing Limited personnel matters, as permitted by section 10-15-1(H)(2) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on the appointment of Police Chief. Councilor Ulibarri seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

City Clerk Fresquez advised the motion carried.

Councilor Martinez made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing Limited personnel matters, as permitted by section 10-15-1(H)(2) of the New Mexico Open Meetings Act, NMSA 1978, Discussion on the appointment of Police Chief, no other items were discussed and no action was taken. Councilor Casey seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

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

EXECUTIVE SESSION ACTION ITEMS

1. Request approval to appoint one of the two applicants for Police Chief:

- 1) Caleb Marquez
- 2) Eric Padilla

Mayor Romero thanked both applicants for applying and for being there for their interview.

Councilor Martinez made a motion to approve the appointment of Caleb Marquez as Police Chief. Councilor Ulibarri seconded the motion.

Councilor Montoya advised that the Police Chief position is one of the most important positions for the City of Las Vegas and citizens. Councilor Montoya thanked all those who applied for the position and advised that it was not an easy decision to make.

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

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

City Clerk Fresquez advised the motion carried.

Police Chief Caleb Marquez thanked Mayor and Council.

ADJOURN

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

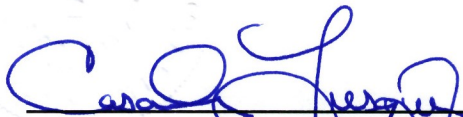
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 9:10 pm.



Mayor David Romero

ATTEST:



Casandra Fresquez, City Clerk