

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, SEPTEMBER 15, 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 took a moment to remember those in our community who have recently passed away from COVID, and asked to remember Josephine Harrison, and Max Salazar. Mayor Trujillo also asked to remember Steve Jordan who passed away in March.

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 Rodriguez	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 read public input to the Governing Body via email on behalf of Kristina Caffrey regarding resolution 21-38, Joseph E. Romero regarding Garfield Avenue and his interest in purchasing the property and Michael Martinez regarding a stay at home order for kids in school and cancelling sporting events to try to stop the virus transmission.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo read a Proclamation for National Suicide Prevention Awareness Month Honoring Steve Jordan and presented it to his family.

Mayor Trujillo read a Proclamation for National Recovery Month and presented it to Peter Ortiz and Rick Griego.

Councilor Montoya presented a Buen Vecino Award to New Mexico Department of Transportation (NMDOT) Commissioner Walter Adams and District Engineer James Gallegos in recognition for all they have done for the community.

Councilor Romero advised they have a great team between the NMDOT and City council and thanked them for all they do.

Councilor Ulibarri Jr., thanked NMDOT Commissioner Walter Adams and District Engineer James Gallegos for the "welcome" signs and for all they've done.

NMDOT Commissioner Walter Adams thanked Council for having them and advised he will do everything he can to help Las Vegas and surrounding areas.

NMDOT District Engineer James Gallegos advised they are there to help and support each other. NMDOT Commissioner Walter Adams thanked John Herrera and Samantha for all their help.

COUNCILORS' REPORTS

Councilor Rodriquez voiced concerns from residents who would like to see the opening up of city positions and acceptance of applications. She also reported there is excessive flooding and speeding on John Street and Williams Drive and the ongoing issues with the Samaritan House. Councilor Rodriquez requested that the leash ordinance on dogs be posted in parks. She also had concerns with the overgrown weeds, the patio extension at the Plaza Hotel and would also like an opportunity to attend meetings via zoom.

Councilor Ulibarri Jr., advised he got calls from residents by the housing area on Hot Springs regarding trash being thrown in the arroyo and people sleeping there.

Councilor Romero thanked Public Works Manager Gurule and Utilities Director Gilvarry for getting the street sweeper out and thanked City Manager Maestas for code enforcement issues getting addressed.

Councilor Montoya discussed the permit for the patio at the Plaza Hotel and asked what the status was on the annexation being filed at the courthouse. Councilor Montoya discussed the RTD bus, light poles out on Legion towards Calle Eldorado and if the monies from Friday Al Fresco would go back into City funds.

City Manager Maestas advised Friday Al Fresco was cancelled due to COVID and the monies could be redirected to wherever they need to.

Mayor Trujillo commented on how the Youtube connection is important for the community to be able to view City meetings.

POLICE CHIEF'S REPORT

Police Chief Salazar gave a presentation regarding the statistics for the Month of August for the Field Operations and Information/Records Division. Police Chief Salazar advised they are working on destruction orders for 2004-2017 citations and 2005-2016 incident reports and miscellaneous documents. Police Chief

Salazar discussed the Street Crimes/Narcotics/Investigation Divisions. Police Chief Salazar advised they want to continue "Walk the Block".

Mayor Trujillo advised he wants the Police department to enforce speeding and loud noise.

Councilor Montoya asked how the Police Department will be prepared for the new laws and ordinances for Cannabis.

Police Chief Salazar advised there is training and reaching out to other states such as Colorado.

Councilor Montoya recommended having the statistics for burglaries separate from calls for service.

Discussion took place regarding how burglaries are verified, to consider setting goals for the Police department for accountability and the program with the schools.

FINANCE REPORT

Finance Director Baquera reported on the month of August, General fund revenues were at 16%, expenditures were at 14%, with a deficit of \$13,064, the Enterprise fund revenues were at 14%, expenditures were at 10%, with a surplus of \$438,110, Lodger's Tax revenues were at 27%, expenditures were at 12%, with a surplus of \$67,301 and the Recreation department revenues were at 9%, expenditures were at 5%, with a surplus of \$47,725. Finance Director Baquera spoke in regards to court fees collected since July.

Discussion and questions took place regarding where the court fee monies are going, various funding that the Fire department receives, gross receipt tax and the operational budgets being in the negative.

Councilor Romero asked what the average monthly revenue was for Lodgers Tax and where they're at in regards to the timeline to spend monies.

Finance Director Baquera advised about eighty thousand and would have to research the timeline to spend it.

BUSINESS ITEMS

1. Request approval to Publish Ordinance 21-17, amendment to the Fire Code to include the new standards pertaining specifically to fire and life safety for cannabis and hemp industries.

Deputy Fire Chief Spann spoke in regards to publishing ordinance 21-17, adopting chapter 39 from IFC 2021 and NFPA 1 chapter 38 specific to cannabis industries growing, extraction and sales. Deputy Chief Spann advised the ordinance would give them the ability to regulate the safety measures needed such as ozone generators, suppression systems and other items. Deputy Chief Spann advised there is a \$75 fee.

Discussion and questions took place regarding if certification was needed to do inspections, whether the fee was under or over compared to other agencies and consideration for the fees to be increased.

Councilor Romero asked if the ordinance needed the fee amount to be published.

City Clerk Fresquez advised it could be published and when it comes back in October for a Public Hearing then they could approve the fee amount.

Councilor Montoya recommended changing the fee amount to \$150.

Councilor Romero made a motion to Publish Ordinance 21-17, with the amendment to increase the fees to \$150 instead of \$75. 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
David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes

City Clerk Fresquez advised the motion carried.

2. Request approval of Resolution No. 21-38 Legalizing and Implementing Regulation of Recreational Personal Cannabis Use, Recreational and Medical Cannabis Production and Hemp Production.

City Attorney Aaron introduced San Miguel County Planning and Zoning Director Amanda Salas who has helped with the resolution so that the City and San Miguel County could have similar resolutions and ordinances regarding Cannabis.

City Attorney Aaron advised he did include Ms. Caffrey's suggestions from public input into the resolution. City Attorney Aaron advised the resolution is a stop gap measure until a permanent ordinance can be in place. City Attorney Aaron spoke about areas in the City of Las Vegas Code having to be updated.

Discussion took place regarding the proposed resolution with amendments to include the City Fire Marshal to be able to enforce the provisions of the resolution, how the resolution and ordinances will affect zoning regarding the commercial aspect of Cannabis use.

Councilor Rodriguez asked if NM Highlands University Police would be included to enforce provisions of the resolution, she wanted to reiterate the dangers of fire hazards to homes if production of Cannabis takes place, she thought the fee structure was low and asked who regulates the percent of THC in edibles.

City Attorney Aaron advised NM Highlands University Law Enforcement is not responsible for issues outside of Highlands. City Attorney Aaron advised the State regulates that and the City can only regulate zoning/density, a 300 feet minimum from schools and daycares and hours of operation.

Councilor Romero voiced his opinion for having more shops open in the Plaza Street area to help fill up vacant buildings and revitalize the downtown area.

Discussion and questions took place regarding if a conditional use permit could be used until an ordinance is in place and a draft ordinance going to council for approval by October.

Councilor Montoya voiced his opinion for not having Sunday sales.

Mayor Trujillo voiced his concerns for a potential lawsuit if they try to regulate the days.

Discussion took place regarding the Council being able to set the days, hours of operation and location, avoiding lawsuits by making sure not to treat the regulations differently between liquor establishments and cannabis establishments and the 300 feet distance.

City Attorney Aaron advised the ordinance would incorporate language regarding the impact on the municipal water supply and wastewater.

Councilor Romero made a motion to approve Resolution No. 21-38 with the amendment to change the date to December 1, 2021 and other changes discussed. Councilor Rodriguez seconded the motion.

Resolution 21-38 was presented as follows: *Due to the length of the document, a complete copy may be abstained from the City of Las Vegas, City Clerk's Office.*

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

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

City Clerk Fresquez advised the motion carried.

Mayor Trujillo took a moment to recognize City Attorney Aaron for jumping on the huge subject and also thanked San Miguel County Planning and Zoning Director Salas for her expertise and joint partnership.

3. Request approval of Resolution 21-40 adopting the Meadow City Express Exact Change Policy.

Mayor Trujillo asked Transit Manager Roybal to explain why they were increasing the fee.

Transit Manager Roybal discussed why they were increasing fees from \$.75 to \$1.00, the reason being an average ride costs about \$42 per person for admin., and operating costs for the department, the reason for the Exact Change Policy is because they wouldn't have to carry change and the different ride passes that are available.

Discussion took place regarding extending their hours of operation, the possibility of the RTD riders to utilize Meadow City Express around town, a federal audit being done with no deficiencies and talking with State Officials to see how they could extend their services to the community.

Councilor Montoya made a motion to approve Resolution No. 21-40 adopting the Meadow City Express Exact Change Policy. Councilor Ulibarri Jr., seconded the motion.

Resolution 21-40 was presented as follows:

City of Las Vegas Meadow City Express
Resolution No. 21-40

A RESOLUTION ESTABLISHING AND ADOPTING A CITY OF LAS VEGAS MEADOW CITY EXPRESS
EXACT CHANGE POLICY

WHEREAS, the City of Las Vegas Meadow City Express is committed to providing safe, responsible and timely origin-to-destination transit services to the passengers of the Meadow City; and

WHEREAS, the time required for on-board fare collection can slow bus operations significantly and the carrying of change by transit drivers can cause a higher threat of robbery; and

WHEREAS, the City of Las Vegas Meadow City Express wishes to design a fare collection system that is convenient for passengers and transit operators; and

WHEREAS, the City of Las Vegas Meadow City Express offers incentives to pre-pay which is a form of price differentiation which has been successfully used to increase both revenue and ridership;

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 City of Las Vegas Meadow City Express Exact Change Policy and directs distribution to all passengers.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Louie A. Trujillo, Mayor

ATTEST:

Cassandra 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:

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

City Clerk Fresquez advised the motion carried.

4. Request approval of Resolution No. 21-42 accepting a grant offer in the amount of \$3,824,686.00 for the Transportation project Fund (TPF) grant.

Public Works Manager Gurule advised they were notified through the New Mexico Department of Transportation that they received the grant for Legion Drive.

Councilor Romero made a motion to approve Resolution No. 21-42 accepting a grant offer in the amount of \$3,824,686.00 for the Transportation project Fund (TPF) grant. Councilor Montoya seconded the motion.

Resolution 21-42 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 21-42

A RESOLUTION TO ACCEPT A GRANT OFFER ADMINISTERED BY THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT).

WHEREAS, the City of Las Vegas ("City") has received a Transportation Project Fund (TPF) Grant Offer for the Plan, Design, Construction, Construction Management, Pavement Rehabilitation, Reconstruction, ADA compliant Curb & Ramps, Drainage Improvements, and Miscellaneous Construction to Legion Drive;

WHEREAS, the total cost of the Grant is \$3,824,686.00, with the NMDOT share being \$3,633,451.70 (95%) and City's share being \$191,234.30 (5%) of the Grant offer;

WHEREAS, the City's proportional matching share shall be \$191,234.30 (5%) if a "Hardship" for "Match Waiver" is not deemed to be present by DFA and the NMDOT; and

WHEREAS, the City shall put all costs, which exceed the total amount of \$3,824,686.00;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are incorporated herein by reference and the Governing Body hereby accepts the Grant Offer administered through the NMDOT, for the Plan, Design, Construction, Construction Management, Pavement Rehabilitation, Reconstruction, ADA compliant Curb & Ramps, Drainage Improvements and Miscellaneous Construction, for Legion Drive.

PASSED, APPROVED AND ADOPTED this ____ day of September, 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 A. Ulibarri Jr.	Yes
Michael L. Montoya	Yes	David G. Romero	Yes

City Clerk Fresquez advised the motion carried.

Councilor Romero thanked Public Works Manager Gurule.

Councilor Montoya advised he wanted to be involved in the Legion Drive project and also would like Las Vegas City Schools involved. Councilor Montoya advised he would also like to see the lighting in the area addressed.

5. Request approval of Resolution No. 21-41 applying for a Match Waiver for the Transportation Project Fund (TPF) grant in the amount of \$191,234.30.

Public Works Manager Gurule advised the match waiver would be for the Legion Drive project.

Councilor Romero made a motion to approve Resolution No. 21-41 applying for a Match Waiver for the Transportation Project Fund (TPF) grant in the amount of \$191,234.30. Councilor Ulibarri Jr., seconded the motion.

Resolution 21-41 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 21- 41

A RESOLUTION TO APPLY FOR A MATCH WAIVER ADMINISTERED BY THE DEPARTMENT OF FINANCE ADMINISTRATION (DFA) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT).

WHEREAS, the City of Las Vegas ("City") has received a Transportation Project Fund (TPF) Grant Offer for the Plan, Design, Construction, Construction Management, Pavement Rehabilitation, Reconstruction, ADA compliant Curb & Ramps, Drainage Improvements, and Miscellaneous Construction to Legion Drive;

WHEREAS, the total cost of the Grant is \$3,824,686.00, with the NMDOT share being \$3,633,451.70 (95%) and City's share being \$191,234.30 (5%) of the Grant offer;

WHEREAS, the City's proportional matching share shall be \$191,234.30 (5%) if a "Hardship" for "Match Waiver" is not deemed to be present by DFA and the NMDOT;

WHEREAS, the City shall put all costs, which exceed the total amount of \$3,824,686.00;

WHEREAS, the City has a limited tax base which limits the funding for meeting the proportional matching share and a fund exists by the New Mexico State Legislators for Public Entities in need of "Hardship";

WHEREAS, the City should request participation in this Match Waiver Program in the amount of \$191,234.30; and

WHEREAS, the project for the TPF program is to be adopted and has a priority standing for the proportional match waiver toward completion of the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that the recitals are incorporated herein by reference and the Governing Body hereby, will apply for a Match Waiver administered by DFA and the NMDOT for the City of Las Vegas proportional matching share for the TPF grant offer for Legion Drive.

PASSED, APPROVED AND ADOPTED this ____ day of September, 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:

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

City Clerk Fresquez advised the motion carried.

6. Discussion and Direction on the donation of playground equipment to the City of Las Vegas by Las Vegas City Schools (LVCS).

Parks and Recreation Manager Aragon gave a lengthy presentation regarding how much it would cost to relocate the donated playground equipment from the Las Vegas City Schools compared to purchasing new equipment. Parks and Recreation Manager Aragon also went over the structural integrity of the equipment, maintenance needed, relocation cost, parts cost and current value of the equipment.

Councilor Montoya advised he was unaware when the Las Vegas City Schools donated the playground equipment that they would need a certified company to relocate the equipment and thanked Parks and Recreation Manager Aragon for the research. Councilor Montoya advised he would give direction to the City Manager to write a letter to the Las Vegas City Schools in gratitude for their offer and decline the playground equipment. Councilor Montoya requested that Mayor and Council give direction to put out an RFP to get new playground equipment for City parks.

Councilor Romero made a motion to give direction to City Manager Maestas to write a letter to the Las Vegas City Schools like Councilor Montoya mentioned, also for staff to come up with a budget so each ward could have playground equipment placed at a park in their ward and to make an effort to improve parks. 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 G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri Jr.	Yes

City Clerk Fresquez advised the motion carried.

Mayor Trujillo asked for it to be done by spring.

7. Discussion and Direction on vacated road on Garfield.

Councilor Rodriquez discussed Garfield being vacated in 1991 and installed gutters and sidewalks on the northside but not on the southside. Councilor Rodriquez advised the road has not been maintained by the City, is undriveable and continues to deteriorate. Councilor Rodriquez advised there are drainage and flooding issues for the resident located on the southside of Garfield.

Mayor Trujillo advised he's been meeting with the resident on the southside and stated the road is in really bad shape.

Discussion took place regarding if a survey was done.

Councilor Romero advised he wanted to be open and transparent and stated both neighbors are cousins of his, he is there to represent what's in the best interest of the City. Councilor Romero advised there would still be liability issues with the drainage and the right thing to do is to un-vacate the road and see what it takes to repair the road.

Discussion took place regarding if there was funding available and what the official method is to un-vacate the property.

Council gave direction to City Attorney Aaron to start the process to bring the item back to un-vacate the property.

8. Discussion and Direction on returning to virtual meetings for all Boards, Commissions and Committees.

Mayor Trujillo advised due to the uptick of covid cases those on boards, commissions and committees are afraid to gather and would rather hold meetings virtually. Mayor Trujillo advised it would be temporary.

Councilor Romero advised he wants to make it clear that virtual meetings would be temporary at the direction of Council.

Councilor Rodriguez made a motion to give direction to return to virtual meetings for all Boards, Commissions and Committees due to the increase in covid cases until December 31, 2021. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call.

Councilor Romero asked about the mask mandate and the possibility of things changing before December 31st.

City Attorney Aaron advised they don't have to wait until December 31st to modify their decision for virtual meetings. City Attorney Aaron recommended stating until further notice from the Council.

Councilor Rodriguez amended her motion to give direction to return to virtual meetings for all Boards, Commissions and Committees due to the increase in covid cases until further notice from the Council. Councilor Ulibarri Jr., seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero

Yes

Elaine Rodriguez

Yes

David A. Ulibarri Jr.	Yes	Michael L. Montoya	Yes
-----------------------	-----	--------------------	-----

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 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.

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:

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

City Clerk Fresquez advised the motion carried.

ADJOURN

Councilor Montoya made a motion to adjourn. Councilor Ulibarri Jr., 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

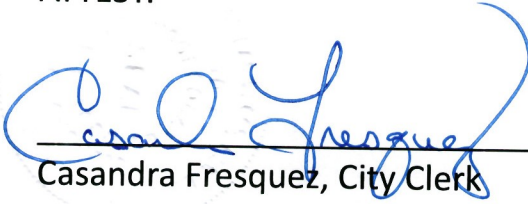
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 9:23 pm.



Mayor Louie A. Trujillo

ATTEST:



Casandra Fresquez, City Clerk