

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD ON WEDNESDAY, DECEMBER 20, 2023 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

MAYOR: David Romero

COUNCILORS: Barbara Casey
Michael L. Montoya
David Ulibarri *Absent*

ALSO PRESENT: Tim Montgomery, Interim 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 a moment of silence to thank our creator for all the good things that he has given us and especially for giving them wonderful employees that are willing to put in extra time and work extra hard for the citizens in the community to make the community better.

APPROVAL OF AGENDA

Mayor Romero asked if they could table the Nomination of Mayor Pro Tem for next month since Councilor Uilbarri was absent.

Councilor Casey made a motion to approve the agenda with the proviso that they table Item Six for the January meeting. Councilor Montoya seconded the motion. All were in favor.

City Clerk Fresquez advised the motion carried.

PUBLIC INPUT

City Clerk Fresquez advised there was no public input.

MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS

Mayor Romero welcomed Tim Montgomery and thanked him for stepping in. Mayor Romero advised that Robert Archuleta and himself met with the Governor on Monday in Santa Fe. Mayor Romero advised that the meeting was to welcome him as Mayor of the City of Las Vegas. Mayor Romero advised that they also mentioned some of their Capital Outlay requests to the Governor. Mayor Romero thanked the Fire department for their efforts and also the Police department for assisting in saving one of their citizens in the fire on W. National Street. Mayor Romero recognized the Public Works department for getting the city ready for Christmas, for going above and beyond for the Luces en el Rio event and for clearing the roads during the snowstorm. Mayor Romero along with the Council provided the Public Works staff with Certificates of Recognition. Mayor Romero advised that they are looking at recognizing employees from each department every month to show they are appreciative of what they do.

COUNCILORS' REPORTS

Councilor Casey advised that people sometimes don't understand how hard the employees work, especially those out in the cold weather late at night working long hours. Councilor Casey thanked the following; the Utilities department for finding water leaks and gas issues on 7th Street, the Public Works department for fixing the lights on the southside of Bridge Street, the Interim Police Chief for helping with an elderly woman, the IT department for getting the Tyler System working again and the Fire department for handling the fire next to the church. Councilor Casey advised that they have a lot of wonderful employees and was

truly grateful that they have great employees who do their job with desire and urgency to make Las Vegas a better place to live.

Councilor Montoya wished everyone a Merry Christmas and a Happy New Year and apologized for not being there for the last meeting. Councilor Montoya advised that he had an emergency at home and thanked everyone for their prayers. Councilor Montoya advised that eight months ago he had reported the house on W. National Street to the previous City Manager and that it was a nuisance, there were people going into the house that shouldn't have been in there and another time there was a vehicle that caught on fire in the backyard. Councilor Montoya advised that he had asked that the property be fenced off and it never was, he asked for it to be boarded up and it was only partially boarded up.

Councilor Montoya advised that he asked to move towards abatement and knows that Code Enforcement, Police Chief and Fire Chief did their job on trying to come to a solution regarding the property. Councilor Montoya mentioned that it was only a matter of time that there be a fire, a rape, a murder or an overdose in that house. Councilor Montoya stated that they need to be more proactive with situations like that and thanked the Fire and Police departments for responding to the fire. Councilor Montoya stated that the fire was preventable and staff was notified about it. Councilor Montoya advised that the project on Legion Drive was suspended until March or April due to the weather.

Councilor Montoya recommended Interim City Manager, Mayor and Council to start the process of revising the City Charter to comply with the New Mexico State Statute and the new election process. Councilor Montoya advised that the existing Charter was outdated in many areas and wasn't sure if the whole document should be changed or certain areas. Councilor Montoya advised that the changes would need the input from Mayor and Council, City Attorney and the City Clerk. Councilor Montoya advised they should also hold public meetings along with staff and City Attorney present for explanations and review of all changes.

Mayor Romero advised that he agreed with Councilor Montoya regarding his request of the Charter but advised that they should wait to see about a permanent City Manager.

Councilor Montoya advised that they have two years until the next election but there is a lot that needs to be revised and they need to make sure they take their time and do it right.

POLICE CHIEF'S REPORT

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

- Field Operations Division (patrol) calls
- Communications Division (Dispatch) calls
- Animal Care Center updates
 - Dogs (97)
 - Feline (30)
 - Dogs Adoptions (9)
 - Cats Adoptions (1)
- Information Division/Records
- Street Crimes
 - Evidence seized
 - Attended Meetings
- Travel/Trainings
- Recruiting Events
- Community Events
- Department vacancies (32)

Councilor Montoya asked if they have had any issues with AMR.

Interim Police Chief Marquez advised that they have had issues with their response times being over the 7 minute response time. Interim Police Chief Marquez advised that the Fire department is very quick in responding.

Councilor Montoya asked how many times they have had to wait for AMR.

Interim Police Chief Marquez advised that he would get that information to him.

Councilor Montoya asked if it would be possible to get a report from State Police and the Sheriff's Office to see how many stops and calls they respond to within the city limits per month and to include it in his next report. Councilor Montoya advised that he would like to see how much assistance they are getting from them.

FINANCE REPORT

Interim Finance Director Dominic Chavez apologized for dates that read October versus November under Lodgers Tax and Cannabis but the figures were accurate. Interim Finance Director Chavez reported on the month of November, the General fund had a surplus of (\$69,321), the Enterprise fund had a surplus of (\$427,099), the Recreation department had a deficit of (\$50,059), the Lodger's Tax fund had a deficit of (\$38,824) and Cannabis had a surplus of (\$64,989).

Mayor Romero advised that the Charter stated, if the Finance Director is in the Interim role of City Manager they cannot oversee the Finance department so Dominic has been put back as Interim Finance Director. Mayor Romero advised that the Finance department was working on mid-year budgets with every department.

Interim Finance Director Chavez advised that a lot of State Appropriations had been coming in, drawdowns were taking place and they received a lot of the funding that had been out for quite some time.

Mayor Romero advised that some issues they had with Capital Outlay projects were notice of obligations and they were the last thing being done so they are making sure that notice of obligations happen prior to purchases.

Discussion took place regarding YABL/adult basketball, the deficit in the Recreation department and more programs becoming available at the Recreation Center to increase the revenue.

Councilor Montoya stated that he would like to see the Recreation Center fully utilized.

PRESENTATIONS

Fire Chief Spann gave a lengthy presentation on the Insurance Services Office (ISO) Fire Protection Rating for the City of Las Vegas. Fire Chief Spann advised the ISO Fire Protection rating is based on a 10-1 scale with 1 being the best, which could decide and adjust the insurance premiums for local businesses and homes and also adjust the Fire departments funding that they receive from the fire protection fund every year from the State Fire Marshal's Office. Fire Chief Spann advised that

they were at a 5 before the evaluation and effective January 1st they will be at an ISO of 4. Fire Chief Spann advised that 3-1 is considered prestigious in the fire service and we missed a 3 by 3 points. Fire Chief Spann advised that they challenged ISO and they would be coming back out within a year to reevaluate them and if they go to a 3 that could be major savings for the local people as far as their insurance premiums and more funding for the Fire department to supplement their fire suppression operations. Fire Chief Spann advised that he met with directors on what improvements they need to do.

Councilor Casey thanked Fire Chief Spann for explaining the numbers to them because she didn't know if a 4 was good or bad.

Councilor Montoya asked what the lowest ISO rating the City of Las Vegas has been at.

Fire Chief Spann advised a 5.

Councilor Montoya asked if he was working with the Water department to ensure the fire hydrants are operational.

Fire Chief Spann advised that they scheduled a flow test and GPM calibrations on them. Fire Chief Spann further advised that they send Utilities a work order for fire hydrants that are not working and Utilities then sends them what they had to replace and they update it in their system. Fire Chief Spann advised that they have a GIS system that shows them if a hydrant is out but if they are unaware of it, it won't show up in the system.

Councilor Montoya asked if there were any outstanding grants.

Fire Chief Spann advised that they were waiting on \$150,000 awarded from the State Fire Marshal's Office for radios and communication equipment for the Fire department.

Mayor Romero thanked Fire Chief Spann and advised that they should utilize the weekly recording on the radio regarding the ISO rating going down and to provide residents with updates regarding the Legion Drive project.

Fire Chief Spann advised that they purchased an area in the optic where they could advertise and report on things like the ISO rating for the general public.

Parks and Recreation Director Arturo Padilla provided a lengthy presentation regarding the following;

- Staffing
- Programs
 - Summer Day camp
 - The need for more breakout rooms
 - Adult basketball league
 - Water aerobics
 - Gymnastics
 - Swim lessons
 - Youth fall co-ed volleyball league
 - Youth fall basketball league
 - Youth spring boys/girls basketball leagues
- Events
 - Free community pool parties
- Free basketball clinic
- Fourth of July fun run
- Turkey Trot fun run
- Fitness challenge weight loss competition
- Breast Cancer awareness push-up competition
- 3 powerlifting events
- Holiday push-up event
- Senior basketball league
- Pickleball league
- Racketball league
- Indoor soccer league
- Equipment costs
 - Boiler to heat the gym
 - Motor and propeller for the pool
 - LED lighting out in the gym

Parks and Recreation Director Padilla thanked Chris Gallegos and his crew for cleaning the snow at every park. Parks and Recreation Director Padilla advised that they were able to put seven benches in different parks and discussed the frustration with water leaks and sprinkler heads not in stock.

Councilor Casey asked if the boiler was fixed.

Parks and Recreation Director Padilla advised yes.

Discussion took place regarding the accommodations for the senior citizens due to the parking lot at the Senior Center being worked on and making the effluent system a priority so sprinkler heads stop bursting.

BUSINESS ITEMS

1. Request approval to award RFB 2024-12, Hot Springs Road Reconstruction Project to GM Emulsions LLC in the amount of \$570,550.00 without NMGR.

Public Works Director Arnold Lopez advised that the project was a CDBG project that was funded and they would like to move forward with construction in the spring.

Councilor Casey asked if this would fix the area close to the Mills Avenue intersection.

Public Works Director Lopez advised it would start at the drop inlet and extend towards Mills Avenue. Public Works Director Lopez advised that they still had money available in the budget and would extend the project through change orders.

Councilor Casey mentioned a piece of equipment that's been parked in front of a house at the corner of Hot Springs and San Miguel Street and that same piece of equipment crushed the driveway of another house. Councilor Casey asked if those damages would be fixed.

Public Works Director Lopez advised that it was a Utilities project and they would have to repair anything that was impacted. Public Works Director Lopez advised once they construct this project they could move on to the next application for CDBG which would be shovel ready.

Councilor Casey asked if they were working with Utilities to ensure that all the lines had been changed out so they could move forward with paving.

Public Works Director Lopez advised yes, they get with Utilities anytime they are going to do a project to make sure they don't need to do any improvements before they proceed with the project.

Councilor Montoya asked what streets were included in the project.

Public Works Manager Danny Gurule advised it would be Mora Street to San Miguel Street.

Councilor Montoya asked what the original bid was.

Public Works Director Lopez advised it was \$1.1 million.

Councilor Montoya asked if it would cover the sidewalks on both sides.

Public Works Director Lopez advised yes, they have to comply with ADA.

Councilor Montoya stated that a portion of the road was done on the eastside last summer and asked if it would be redone.

Public Works Director Lopez advised no, it wouldn't impact that area.

Mayor Romero asked Interim City Manager Montgomery to look into what the policy was regarding change orders.

Councilor Montoya made a motion to approve RFB 2024-12, Hot Springs Road Reconstruction Project to GM Emulsions LLC in the amount of \$570,550.00 without NMGRT. Councilor Casey 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

City Clerk Fresquez advised the motion carried.

Councilor Montoya discussed how much it costs to pave 2 blocks and advised that money is limited.

2. Request approval of Resolution 23-34, budget adjustment for the 2023-2024 Fiscal Year.

Interim Finance Director Dominic Chavez advised that the City of Las Vegas is in need of making a budget adjustment in the 2023-24 fiscal year budget to include a rev/exp increase in the amount of \$25,785 to Fund 217 – Appropriation A20E5279 from a carry forward funding balance for the ALTSD project. A rev/exp increase to Fund 217 – Senior Center Parking Lot Project due to an additional allocation of \$40,404 from ALTSD. A rev/exp increase in the amount of \$20,000 to Fund 770 – Educational/Recreation to align the Tyler Accounting System with the Budget Book. A rev/exp increase in the amount of \$918,898 to Fund 287 – Abatement-Opioid for a Local Government Opioid Settlement payment. A rev/exp transfer of \$8,000,000 from Fund 217 – H2369 LV Peterson Dam Rehabilitation (Allocation) to Fund 646 – H2369 LV Peterson Dam Rehabilitation (Allocation).

Councilor Casey asked if the \$8,000,000 was a legislative appropriation and if all of fund 217 were legislative appropriations.

Interim Finance Director Chavez advised yes.

Councilor Casey made a motion to approve Resolution 23-34, budget adjustment for the 2023-2024 Fiscal Year. Councilor Montoya seconded the motion.

Councilor Montoya advised that it was recommended by the Finance Committee.

Resolution 23-34 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 23-34

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 a rev/exp increase in the amount of \$25,785 to Fund 217 – Appropriation A20E5279 from a carry forward funding balance for the ALTSD project. A rev/exp increase to Fund 217 – Senior Center Parking Lot Project due to an additional allocation of \$40,404 from ALTSD. A rev/exp increase in the amount of \$20,000 to Fund 770 – Educational/Recreation to align the Tyler Accounting System with the Budget Book. A rev/exp increase in the amount of \$918,898 to Fund 287 – Abatement-Opioid for a Local Government Opioid Settlement payment. A rev/exp transfer of \$8,000,000 from Fund 217 – H2369 LV Peterson Dam Rehabilitation (Allocation) to Fund 646 – H2369 LV Peterson Dam Rehabilitation (Allocation) to keep all water allocations within the same capital appropriation chart of accounts and prevent comingling of funds.

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 December 2023.

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
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City Clerk Fresquez advised the motion carried.

3. Request approval of a Professional Services Agreement for Legal Services for Advise Law Firm.

Mayor Romero advised that the item was going to be presented by HR Director Darlene Arguello and at the time they were undecided about who would be Interim City Manager which was why Mayor Romero was on the agenda to present. Mayor Romero advised that he had nothing to do with the bids and that HR handled that along with consulting with Interim City Manager Montgomery.

Interim City Manager Montgomery advised that they have been using consulting attorneys since the vacancy of City Attorney. Interim City Manager Montgomery advised that HR Director Arguello put out five requests for attorney services and they received three respondents. Interim City Manager Montgomery advised those law firms were NM Local Government Law, Advise Law and Ortiz & Zamora Attorneys at Law. Interim City Manager Montgomery advised that they can not go beyond \$60,000 based on the procurement code so they would award \$20,000 eligibility to three different law firms so they could have back up attorneys.

Mayor Romero advised that one of the current firms had expended their \$20,000 limit and it would allow three different options in case one attorney is unavailable.

Councilor Casey asked what the name of the attorney was for Advise Law.

Ambrosio Castellano with Advise Law stated it would be either Julio Garcia or himself.

Councilor Montoya made a motion to approve the Professional Services Agreement for Legal Services for Advise Law Firm. Councilor Casey 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
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City Clerk Fresquez advised the motion carried.

4. Request approval of a Professional Services Agreement for Legal Services for New Mexico Government Law.

Councilor Montoya made a motion to approve the Professional Services Agreement for Legal Services for New Mexico Government Law. Councilor Casey seconded the motion. Mayor Romero asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Barbara Casey	Yes
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City Clerk Fresquez advised the motion carried.

5. Request approval of a Professional Services Agreement for Legal Services for Ortiz & Zamora Attorneys at Law.

Councilor Casey made a motion to approve the Professional Services Agreement for Legal Services for Ortiz & Zamora Attorneys at Law. Councilor Montoya 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
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City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION

Councilor Montoya 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 regarding the interim appointment of City Manager. Councilor Casey 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
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City Clerk Fresquez advised the motion carried.

Councilor Montoya 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 regarding the Discussion regarding the interim appointment of City Manager, 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:

Michael L. Montoya Yes Barbara Casey Yes

City Clerk Fresquez advised the motion carried.

EXECUTIVE SESSION ACTION ITEM

- 1. Approval to appoint Tim Montgomery as Interim City Manager.

Councilor Casey made a motion to approve the appointment of Tim Montgomery as Interim City Manager. Councilor Montoya 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

City Clerk Fresquez advised the motion carried.

Mayor Romero thanked Interim City Manager Montgomery for stepping up and advised that he looks forward to working with him.

Interim City Manager Montgomery advised that he appreciated them putting their trust in him and was honored to do it for the city and he'll give his best.

Councilor Montoya wished everyone a Merry Christmas and a Happy New Year.

Mayor Romero and Councilor Montoya wished Councilor Casey a Happy Birthday.

ADJOURN

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

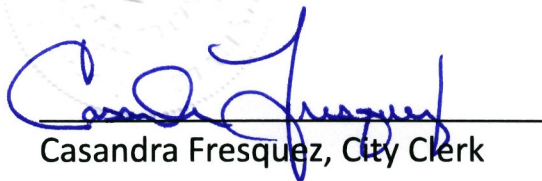
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 7:30 pm.

A handwritten signature in blue ink, appearing to read "David Romero", is written over a solid horizontal line.

Mayor David Romero

ATTEST:

A handwritten signature in blue ink, appearing to read "Casandra Fresquez", is written over a solid horizontal line. A faint circular seal is visible in the background behind the signature.

Casandra Fresquez, City Clerk