

**CITY COUNCIL MEETING
JANUARY 13TH, 2015, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM**

A. CALL TO ORDER

The meeting was called to order at 6:02 pm by Mayor Alice A. Lucero

B. PLEDGE OF ALLEGIANCE

Mayor Alice A. Lucero led the Pledge of Allegiance

C. MOMENT OF MEDITATION/INVOCATION

Councilor Peggy Sue Martinez led the Moment of Meditation/Invocation.

D. ROLL CALL/DETERMINATION OF QUORUM

The following in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem	Pedro Valdez
Councilors:	Cory Lewis
	Michelle R. Martinez
	Dennis Tim Salazar
	Peggy Sue Martinez
	John Hernandez
	Adrianna Ortiz (arrived at 6:27pm)

E. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

A. CALL TO ORDER**B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/ INVOCATION****C. ROLL CALL/ DETERMINATION OF QUORUM****D. APPROVAL OF AGENDA****E. PUBLIC COMMENTS**

PLEASE SIGN IN: Print First Name and Last, including Affiliation and/or Address if Applicable. Please Keep Comments to a five (5) Minute Time Frame. Public Comment Log Sheet Located upon South East Entry near the City Clerk. Thank You.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS**G. MATTERS FROM THE MAYOR (ACTION ITEMS)**

1. Appointment of Community Services Committee Chair
2. Notice of Opening for (RCOLC) Regional Coalition of LANL Communities Alternate Member
3. Recognition of Diego Lopez recipient of the N.M. Community Foundation CHISPA Award
4. Proclamation Honoring the 24th Annual Hispano Music Awards
5. Recognition of Guards of America

H. CONSENT AGENDA

6. 11-24-14 City Council Meeting Minutes
7. 12-09-14 City Council Meeting Minutes

I. PUBLIC HEARING

8. **Ordinance 2015-01**; An Ordinance of the City of Española, New Mexico; Providing for a Lease of City Owned Real Property; Property Consisting of 178 Units of Public Housing at Three (3) Locations; (Apple Valley, Duran and Pajarito) Authorizing the City Manager and City Clerk to Handle the Administrative Details; Authorizing the Mayor to Execute All Documents Necessary to Complete the Transaction.
9. **Ordinance 2010-09**; An Ordinance of the City of Española , New Mexico; Amending Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property.

10. **Liquor License Application;** Consideration of the request from China Kitchen, Inc. for a Transfer of Ownership of Liquor License, Restaurant Beer and Wine. Proposed location is: 604 South Riverside Drive Suite A., Española, NM 87532
11. **Consideration of North Central Regional Transit District Intergovernmental Contract;** Among the Town of Edgewood, City of Española, County of Los Alamos, Pueblo of Nambe, Pueblo of Ohakay Owingeh, Pueblo of Pojoaque, County of Rio Arriba, Pueblo of San Ildefonso, Pueblo of Santa Clara, City of Santa Fe, County of Santa Fe, County of Taos, The Town of Taos, and Pueblo of Tesuque. NOTE: New Members Have Been Added Since Formation of The NCRTD in 2004, Membership and Voting Rights Should Be Acknowledged and Ratified by Novation of the Considered Contract. PURSUANT TO THE REGIONAL TRANSIT DISTRICT ACT, CHAPTER 73, ARTICLE 25, SECT 1-18, NMSA 1978.

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

12. **Consideration of City of Española Independent Contractor Agreement;** On Call Professional Engineering Services Independent Contractor Agreement Between the City of Española and Wilson & Company, Inc. – City Manager Kelly Duran
13. **Approval City of Española Department of Public Works Order No. 03, Re: Waste Water Treatment Plant (WWTP);** Wilson & Company Project No. 14600211-03 – City Grant Administrator Diahann Jacquez
14. **City of Española Resolution 2015-01;** A Resolution Approving Holidays to be observed for this Calendar Year 2015. City Clerk Anna Squires

K. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

L. ADJOURNMENT

The Governing Body may revise the order of the agenda items considered at this Open Meeting. If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 747-6019 at least three days prior to the meeting

--End--

Motion made by Councilor Dennis Tim Salazar to move item number eleven (#11) prior to item number eight (#8). Motion made by Councilor Cory Lewis to approve the agenda as amended; 2nd by Mayor Pro-tem Pedro Valdez.

Motion Carried 6-0

E. PUBLIC COMMENTS

Celso Archuleta business owner and operator of Floral Expressions in Española stated his name and title for the record. Mr. Archuleta expressed that his business had been impacted with the abundance of local street vendors and merchants who sold similar products as himself. Mr. Celso Archuleta explained that his overhead cost(s) such as taxes, business license fees, regulation fees, insurances, utilities, employee's wages, maintenance of his facility, etc., made it difficult to exceed a profit within the local economy.

Mr. Archuleta further explained that prime periods within the year for sales and profits for his industry were the month(s) of February through May. He stated that the differences of profit accumulated by a brick and mortar company such as himself versus a street/roadside vendor further sighting that street/roadside stood to make a higher profit because of their lack of overhead charges. Mr. Archuleta expressed his concerns for other businesses similar to his own and the impact street vendors had on local economy as well as their lack of contribution to local Gross Receipt Taxes. He then urged the Governing Body and City Manager to prohibit roadside vendors within City Limits for prime selling days such as holidays. Mr. Archuleta further stated that the current City Ordinance was not being enforced and more over abused.

Ted Salazar stated his name for the record. He explained that he was a local farmer who contributed to local spending and GRT's. He stated that although he was under a better understanding of the contributions to GRT's from businesses such as Mr. Archuleta's, he still felt that a decisive action mandated by the City should allow local farmers to sell their goods within City Limits in a compromised and/or designated area.

Lorraine Grey Executive Director of the Four Bridges Permaculture Institute stated her name and title for the record. She further stated that she understood the concerns of local farmers as she was a horticulturist within the community. Ms. Grey announced that the One Billion Rising for Justice March would be taking place on a national level February 14th 2015. She explained that the local efforts to conduct a similar walk would be spearheaded by herself and other members of the community. Ms. Lorraine Grey stated that the untimely death of local resident Victor Villalpando had impacted the community particularly the youth and the walk would in part be dedicated to his memory.

Danny Salazar stated his name for the record. He further expressed that he was a local wood vendor who sold his product alongside Riverside Drive. Mr. Salazar stated that he was providing a service to the community by providing a means to fuel if people were not physically able to obtain wood for heating their homes.

David Maez Jr. stated his name for the record. Mr. Maez echoed the comments made by Mr. Danny Salazar (spoke prior) and affirmed that he too sold wood within the community and surrounding communities. He further expressed that his clientele were more over the age of fifty. Mr. Maez stated that the elderly who did not have any alternative means to heating their homes in the winter most certainly relied on his services. Mr. David Maez continued to explain his trade of selling wood and summed up the definition as a cultural tradition in Northern New Mexico often referred to as "Leñeros" or "Termites". He urged the Governing Body not to exceed the amount of the permit beyond twenty five dollars (\$25). Mr. Maez suggested that the City may consider a seasonal permit for vendors such as himself. Similar public comments in support of street vending supporting traditional goods were made by a Mr. Michael Martinez, Mr. Alfered Holt and Mr. Angelo Martinez.

Ms. Mary Lou Apodaca President of the Valley Estates Mutual Water & Sewer Association, Incorporated stated her name and title for the record. She thanked the Governing Body for collaboratively listening to the associations concerns over the past two (2) months.

F. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Michelle R. Martinez stated that the *Generation Hope Youth Coalition* would be having a Homemade Salsa Sale in an effort to raise monies to attend the CADCA National Leadership Forum in Washington D.C. within the month of February 2015. Councilor M.R. Martinez sighted contact name(s) and a number for salsa pre-orders. Joanne, Gerome and/or Nora at 505-744-1418.

Councilor Michelle R. Martinez stated that an organization entitled; *Girls on the Run Española*, were looking for coaches and volunteers to help propel a running program within the schools as funding was scarce and/or limited for extracurricular activities. She further announced that a meeting would be held at La Cocina Restaurant February 14th 2015 at 5:30PM and the contact person would be a Mrs. Tanya Sanchez.

Councilor Michelle R. Martinez announced that a youth program entitled; *Teen New Era New Mexico*, catered to youth athletics and Mixed Martial Arts programs. She stated that the youth program was located at: 205 Los Alamos Highway Suit C., Española N.M. 87532.

Councilor Michelle R. Martinez then asked for a moment of silence for a Mr. Robert "Bobby" Vigil who was father to a City of Española Police Office.

Councilor Adrianna Ortiz arrived at 6:27pm

Councilor Cory Lewis acknowledged Rio Arriba County Sherriff James Lujan who was present within Council Chambers. Mayor Lucero stated that she was looking forward to collaborative works amongst Public Safety Departments.

G. MATTERS FROM THE MAYOR (ACTION ITEMS)

1. Appointment for Community Services Committee Chair.

Mayor Alice A. Lucero announced that former City Councilor Eric Radosevich had recently resigned his position as Councilor of District three (3). She further explained that with the vacant seat of District Three (3) interested parties have come forth and expressed a desire to fill the vacancy. Mayor Lucero stated that she was undecided as to appoint a recommendation for Councils consideration or weather to leave the seat vacant due to the upcoming 2016 election.

Mayor Lucero stated that the resignation of Councilor Eric Radosevich left the Community Services Committee without a Chair to conduct the meeting. Mayor Lucero stated that after much deliberation her recommendation for appointment of Chair to the Community Services Committee would be Councilor Dennis Tim Salazar.

Councilor Michele R. Martinez made a motion to ratify the appointment of Councilor Dennis Tim Salazar as Chair of the Community Services Committee. Motion 2nd by Councilor Cory Lewis.

Motion carried 7-0

Councilor Dennis Tim Salazar thanked the Governing Body for the appointment and ratification in full support.

2. Notice of Opening for (RCOLC) Regional Coalition of LANL Communities Alternate Member

Mayor Lucero then announced the Notice of Opening for the Regional Coalition of LANL Communities Alternate Member. Mayor Lucero explained that former City Councilor Eric Radosevich served as the alternate member for the Coalition. She asked that all interested members of the Governing Body contact her directly for further information.

3. Recognition of Diego Lopez recipient of the N.M. Community Foundation CHISPA Award

Mayor Lucero stated that the New Mexico Community Foundation (NMCF) announced the recipients of the 2014 CHISPA awards. Mayor Lucero explained that NMCF recognized non-profits across the state of N.M. that accomplished very much with very little in an effort to help improve communities were awarded. Mayor Lucero stated that the term "*Chispa*" means "*Spark*" in Spanish, and the awards was given annually by NMCF to nonprofits that "*Shine a Light*" on the communities they serve.

Mayor Lucero announced that Diego Lopez of Hands Across Cultures Corp. was a recipient of the CHISPA Award. Mayor Lucero acknowledged the efforts and servitude displayed by Mr. Diego Lopez and thanked him for his exemplary efforts. She then presented Mr. Diego Lopez with an award of recognition on behalf of the City of Española Governing Body. Mr. Diego Lopez of Hands Across Cultures Corp. thanked the Governing Body and expressed his sincere desire to continue to help the community.

Councilor Peggy Sue Martinez acknowledged two (2) additional local organizations that were also recipients of the 2014 CHISPA Award namely the *Las Cumbres Community Services – Grandparents Raising Grandchildren Program* and the *Northern Youth Project*. Councilor Peggy Sue Martinez stated that she felt it was important the Governing Body equally acknowledge the other two (2) local recipients of the award during the next City Council meeting. Mayor Alice A. Lucero consented to the request made by Councilor Peggy Sue Martinez and thanked her for her foresight.

4. Proclamation Honoring the 24th Annual Hispano Music Awards

Mayor Lucero read the proclamation honoring the 24th Annual Hispano Music Awards Show. She thanked Casey Gallegos for his time and efforts. Mayor Lucero further stated that the awards ceremony had always been such a well-attended and well-produced event. Mayor Lucero stated that the Hispano Music Award Ceremony would be taking place Saturday January 17th 2015 at the Ohkay Owingeh Casino Ballroom.

5. Recognition of Guards of America

Mayor Lucero stated that the International Guard Union of America Local 69 had been working selflessly throughout the Holiday Season to provide warm coats, children's toys, food baskets and gather monetary goods in an effort to help the needy within the community. Mayor Lucero stated that Mr. Ryan Aldaz of the Boys Scouts Pack 299 also volunteered his time to help the International Guard Union of America. She then called upon Mr. Gene Lente President of International Guard Union of America Local 69 and Ted Stall V.P. to step forth and be recognized for their exemplary efforts to help those in need during the Holiday season. Mayor Lucero presented both officials with a certificate of recognition.

Councilor Peggy Sue Martinez acknowledged former City employee Gene Aldaz for bringing the International Guard Union of America Local 69 to aid the community during the Holiday Season although he was not able to be present. She further stated that Boy Scout Ryan Aldaz of Pack 299 was the son of former City employee Gene Aldaz.

H. CONSENT AGENDA

- 6. 11.24.14 City Council Meeting Minutes**
- 7. 12.09.14 City Council Meeting Minutes**

Mayor Alice A. Lucero stated that the only minor correction to the City Council Meeting Minutes of 12-09-14 was Councilor John Hernandez conducted the moment of Meditation and Invocation. Motion made by Councilor Cory Lewis to approve the Consent Agenda as amended; 2nd by Councilor Michelle R. Martinez.

Motion Carried 7-0

I. PUBLIC HEARING

11. Consideration of North Central Regional Transit District Intergovernmental Contract

Mayor Alice A. Lucero stated that the next item on the agenda would be Public Hearings. Mayor Lucero stated that the first Public Hearing was the consideration of North Central Regional Transit District Intergovernmental Contract; Among the Town of Edgewood, City of Española, County of Los Alamos, Pueblo of Nambe, Pueblo of Ohakay Owingeh, Pueblo of Pojoaque, County of Rio Arriba, Pueblo of San Ildefonso, Pueblo of Santa Clara, City of Santa Fe, County of Santa Fe, County o Taos, The Town of Taos, and Pueblo of Tesuque. NOTE: New Members Have Been Added Since Formation of The NCRTD in 2004, Membership and Voting Rights Should Be Acknowledged and Ratified by Novation of the Considered Contract. PURSUANT TO THE REGIONAL TRANSIT DISTRICT ACT, CHAPTER 73, ARTICLE 25, SECT 1-18, NMSA 1978.

Councilor Dennis Tim Salazar and NCRTD Board Member explained that during the 2010 Census Update, the Board previously approved Edgewood member(s) on April 13th 2012, Nambe Pueblo as member(s) on September 7th, 2012, Town of Taos as member(s), on March 1st 2013, and recently approved City of Santa Fe annexation and portions of unincorporated Santa Fe County as member(s) on November 7th 2014. Councilor Dennis Tim Salazar further clarified that the intergovernmental contract stipulated membership roles, responsibilities and voting rights and should be appropriately acknowledged and ratified by novation of the considered contract as amended.

Mayor Alice A. Lucero opened the Public Hearing for discussion at 6:54pm

NCRTD Executive Director Anthony J. Mortillaro stated his name and title for the record. He echoed the sentiments made by Councilor Dennis Tim Salazar further stating that member rights include representation and participation during meetings. NCRTD Executive Director Anthony J. Mortillaro explained that determining a quorum based on the number of current members had not been difficult thus far and he anticipated future collaborative endeavors.

Mayor Alice A. Lucero closed the Public Hearing for discussion at 6:56pm

Roll Call Vote:

Councilors:	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
Mayor Pro-Tem:	<i>Pedro Valdez</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 7-0

8. Ordinance 2015-01; An Ordinance of the City of Española, New Mexico; Providing for a Lease of City Owned Real Property; Property Consisting of 178 Units of Public Housing at Three (3) Locations; (Apple Valley, Duran and Pajarito) Authorizing the City Manager and City Clerk to Handle the Administrative Details; Authorizing the Mayor to Execute All Documents Necessary to Complete the Transaction.

City Attorney Frank Coppler stated that in lieu of the Ordinance being presented another affordable housing ordinance was drafted and submitted to the Mortgage Finance Authority in Albuquerque N.M. by Rio Arriba County (RAC) Health and Human Services Director Lauren Reichelt. City Attorney Frank Coppler stated that a drafted Fair Housing Ordinance was submitted to City Manager Kelly Duran for review. Mr. Coppler stated that the proposed Fair Housing Ordinance dealt with the issues of compliance with the federal and state requirement's with respect to private landlords and their responsibilities to treat tenants nondiscriminatory.

City Attorney Frank Coppler stated that two (2) years ago the Santa Fe Civic Housing Authority spoke to City officials respectively about developing and converting the 178 Units of Public housing at Apple Valley, Duran and Pajarito as a low income tax credit project at (4%). City Attorney Frank Coppler further stated that the previous discussion revealed Santa Fe Civic Housing Authority would partner with a developer to renovate and upgraded the units as to abide with current state and federal requirements. Mr. Coppler stated that the original cost per unit presented was \$16,000 dollars and eventually inflated to the amount of \$30,000 per unit.

City Attorney Frank Coppler further explained that the determination of the long term lease agreement was discussed and re-discussed with the Santa Fe Civic Housing Authority. CA F. Coppler stated that the Santa Fe Civic Housing Authority communicated that anything less than a ninety-nine (99) year lease was not acceptable to their equitable partners and they could not negotiate unacceptable terms. CA F. Coppler stated that the previous determination of Council was not to exceed a sixty- six (66) year lease.

City Attorney Frank Coppler stated that the ordinance brought forth for the Public Hearing would allow for more developers other than just the Santa Fe Civic Housing Authority to entertain the notion of developing and converting the 178 Units of Public housing at Apple Valley, Duran and Pajarito as a low income tax credit project at nine percent (9%) not to exceed a sixty- six (66) year lease and/or a low income tax credit project at four percent (4%) not to exceed a ninety-nine (99) year lease.

Mayor Alice A. Lucero opened the Public Hearing at 7:07pm.

Mayor Alice A. Lucero closed the Public Hearing at 7:08pm after hearing no response from the public.

A motion made by Mayor Pro-Tem Pedro Valdez in favor of Ordinance 2015-01 for the sake of discussion. Motion 2nd by Councilor John Hernandez.

Councilor John Hernandez questioned City Attorney Frank Coppler regarding Ordinance 2015-01 further sighting page two (2) paragraph three (3); Whereas, the City has determined to solicit LIHTC Housing developers and operators to compete for the opportunity to take over operations of the 178 units and work in

conjunction with the City to put together a 9% LIHTC project for the 178 units with an underlying lease of up to 99 years. Councilor John Hernandez cautioned City Attorney Frank Coppler referencing the ordinance language to solicit potential considerations for proposals. He further sighted page two (2) paragraph four (4) Whereas, in the event LIHTC developers do not come forward with a 9% proposal, then the City will accept a 4% proposal. City Attorney Frank Coppler replied in the affirmative stating that the ordinance could be amended at any time but would serve as an acting document to help further discussion of potential considerations for all proposals.

Councilor John Hernandez proposed as a potential solution to amend the RFP process. CA F. Coppler replied in the negative stating that under current law; IRS regulation allowed for only one (1) of two (2) kinds of projects beginning at four percent (4%) and transcending at nine percent (9%).

Councilor Peggy Sue Martinez out at 7:35pm in at 7:36pm

Councilor Adrianna Ortiz sighted page one (1) of the first paragraph of Ordinance 2015-01. She further questioned City Attorney Frank Coppler with regard to sections (A.) (B.) and (C.). She then clarified her question as to whether the addresses for Apple Valley, Duran and Pajarito would appear within the final amended draft. City Attorney Frank Coppler replied in the affirmative stating that the language could be amended to reflect Councils desired interpretation of the ordinance with respect to the appearance of all physical addresses in question.

Councilor Adrianna Ortiz questioned if an appraisal of the property would hold critical bearing on the language presented. City Attorney Frank Coppler stated that the properties in question had previously been geographically assessed based on low-income standards for housing. City Attorney Frank Coppler explained to a degree, the profit of low-income housing developments versus high income housing developments. He clarified his statements affirming that low income property historically do not profit as there would be no value assessed from the appraisal and final proposal.

Councilor Adrianna Ortiz stated that she was concerned to pass Ordinance 2015-01 without an official appraisal amount of the property in question; she further stated that she believed the property should have monetary value at the very minimum. Councilor Ortiz stated that she was not happy with the language in the current ordinance and would feel more at ease if the Fair Housing Ordinance were to be in effect. Similar concerns were addressed by Councilor Peggy Sue Martinez, Councilor Dennis Tim Salazar and Councilor Michelle R. Martinez.

City Manager Kelly Duran spoke favorably for Ordinance 2015-01. He further explaining the high potential for equity increases to the low income-properties in question after renovations and developments had ceased. CM Kelly Duran urged the Governing Body to see the full potential of the entire project which would favorably benefit the livelihood of the low income residents of Apple Valley, Duran and Pajarito housing communities.

Roll Call Vote:

<i>Councilors:</i>	<i>Cory Lewis</i>	<i>Not in Favor</i>
	<i>Michelle R. Martinez</i>	<i>Not in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>Not in Favor</i>
<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>in Favor</i>
	<i>Adrianna Ortiz</i>	<i>Not in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>Not in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Failed 5-2

9. Ordinance 2010-09; An Ordinance of the City of Española , New Mexico; Amending Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property.

City Attorney Frank Coppler then sighted the amendments to Ordinance 2010-09 on page one (1) number two (2) of Section 272-4 Restrictions letter (B) number two (2) which read within fifty feet (50ft) omitting fifteen (15) feet of any public transportation stop that is identified by signage and letter (B) number three (3) which read within twenty feet (20ft) omitting fifteen(15) feet of a public transportation facility. City Attorney

City Attorney Frank Coppler then sighted the amendments to Ordinance 2010-09 on page two (2) number two (2) of Section 272-4 Restrictions letter (B) number six (6) which read fifty feet (50ft) omitting fifteen(15) feet in any direction from an automatic teller machine or an entrance to a bank. He continued to state the amendment of page two (2) number two (2) of Section 272-4 Restrictions letter (B) number seven (7) which read forty feet (40ft) omitting fifteen(15) feet of people standing in a line of no less than five people who are waiting to be admitted to a commercial establishment or public facility.

Mayor Alice A. Lucero opened the Public Hearing at 7:52pm

City resident Judy Bell stated her name for the record. She further commented that she had originally addressed her concern(s) with the local panhandling problem during the 12-13-15 Public Safety Committee Meeting. Ms. Judy Bell stated that in her opinion the ordinance of the City of Española amending chapter 272-4 of the City Code relating to peddling and soliciting; prohibiting panhandlers at one location longer than two (2) hours and prohibiting panhandling within one hundred and fifty feet (150) of school property only encouraged panhandlers to stay. Ms. Bell stated that she now understood that the panhandler had constitutional rights which could not be violated.

City resident Judy Bell stated that other community initiatives that address the panhandling ordinance had inspired her to speak up against giving to panhandlers. Ms. Judy Bell further stated that Councilor Peggy Sue Martinez had been advocating for the same cause which educated the public on how to refuse giving charity monies to aggressive panhandlers and redirect the socially afflicted to a local shelter as well as advocate for local bonafide charities.

Ms. Mary Lou Apodaca President of the Valley Estates Mutual Water & Sewer Association, Incorporated stated her name and title for the record. She echoed the comments made by City resident Judy Bell further stated that in her opinion ordinance was poorly written and the City could do better.

Mayor Alice A. Lucero closed the Public Hearing at 7:59pm

A motion made by Mayor Pro-Tem Pedro Valdez in favor of Ordinance 2010-09; An Ordinance of the City of Española, New Mexico; Amending Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property. Motion 2nd by Councilor Peggy Sue Martinez.

City Councilor Cory Lewis stated that he was not satisfied with the amendments made to Ordinance 2010-09; Councilor Lewis further stated that it appeared to allow the panhandler up to a two (2) hour time frame to solicit the public. City Councilor Cory Lewis stated that he would like Council to consider moving the public hearing to the next City Council Meeting after the ordinance could be re-reviewed and discussed during the next Public Safety Committee Meeting.

Mayor Pro-Tem Pedro Valdez out at 8:31pm in at 8:32pm

City Attorney Frank Coppler stated that with respect to the U.S. Supreme Court and the First (1st) Constitutional right "Freedom of Speech" that all people have the right to solicit donations. City Attorney Frank Coppler further stated that the current amended ordinance was crafted after Albuquerque and Santa Fe Ordinance and allows for City Public Safety officials the right to sight the panhandler after a witnessed period of time.

Municipal Court Judge Stephen Salazar stated that he felt the proposed amendments to Ordinance 2010-09 was a progressive step forward but did not address loitering and nuisance.

Mayor Pro-Tem Pedro Valdez echoed the sentiments made by Judge Stephen Salazar stating that the amendment to Ordinance 2010-09 was a method for the Police Department to discourage panhandling. He further stated that he was not in favor of postponing the Public Hearing until the next City Council Meeting.

Councilor Peggy Sue Martinez stated that she would like the City to engage the public by educating them on the various charities they could give their monies to other than panhandlers such as the Northern New Mexico Crisis Center and the Soup Kitchen. Councilor Peggy Sue Martinez further stated that the initiative entitled; "Don't Give Please Help" had been adopted in other communities throughout the United States that face similar issues.

Councilor Peggy Sue Martinez suggested that the City may invest in signs prohibiting panhandling. She further commented that a beginning initiative would be a beneficial start to helping with the problem. She urged the Governing Body to support the initiative. Councilor Michelle R. Martinez echoed the sentiments made by Councilor Peggy Sue Martinez and further advocated for local bonafide charities.

Deputy Chief Miguel Maez stated that the ordinance of the City of Española amending chapter 272-4 of the City Code relating to peddling and soliciting was drafted from the Santa Fe and Albuquerque ordinance. DCC Miguel Maez stated that he too believed that if the ordinance were to pass it would help with the problem because it would allow a police to adhere to the ordinance and help control the problem.

Councilor Michelle R. Martinez recommended that Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location should read *no Longer Than eight (8) Hours; Prohibiting Panhandling Within One Hundred five hundred (500) Of School Property.* Councilor Michelle R. Martinez explained that by allowing a larger amount of time and a greater amount of square footage may enable Police time and space to better enforce the ordinance.

City resident Diego Lopez recommended that panhandlers at one location longer than two (2) hours and prohibiting panhandling within one hundred and fifty feet (150) of school property be amended to read; *prohibiting panhandling within city limits.*

Mayor Lucero called for the question to a motion on the floor to approve Ordinance 2010-09; An Ordinance of the City of Española, New Mexico; Amending Chapter 272-4 of the Code of the City of Española; Relating to Peddling and Soliciting; Prohibiting Panhandling at One Location Longer Than Two (2) Hours; Prohibiting Panhandling Within One Hundred Fifty Feet (150') Of School Property.

Roll Call Vote:

Councilors:	Cory Lewis	Not in Favor
	Michelle R. Martinez	Not in Favor
	Dennis Tim Salazar	Not in Favor
Mayor Pro-Tem:	Pedro Valdez	in Favor
	Adrianna Ortiz	Not in Favor
	Peggy Sue Martinez	Not in Favor
	John Hernandez	Not in Favor

Motion Failed 6-1

Councilor Cory Lewis made a motion to table the discussion of Ordinance 2010-09 to the next Public Safety Committee for the sake of further discussion and move the Public Hearing to the City Council Meeting of February 24th, 2015. Motion 2nd by Councilor Peggy Sue Martinez.

Roll Call Vote:

<i>Councilors:</i>	<i>Cory Lewis</i>	<i>in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>Not in Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>in Favor</i>
	<i>John Hernandez</i>	<i>in Favor</i>

Motion Carried 6-1

10. Liquor License Application; Consideration of the request from China Kitchen, Inc. for a Transfer of Ownership of Liquor License, Restaurant Beer and Wine. Proposed location is: 604 South Riverside Drive Suite A., Española, NM 87532

Mayor Lucero stated that the Clerks Department had received a letter from the New Mexico Regulation and Licensing Department Alcohol and Gaming Division stating that the application in accordance to Section 60-6B-4 NMSA of the Liquor Control Act; Application No.924895 for China Kitchen, Inc. stating that the applicant was seeking a restaurant liquor license transfer for on premise consumption subject to only restaurant beer and wine.

Mayor Lucero further stated that the certified letter indicated within forty-five (45) days after receipt of notice the Governing Body shall hold a public Hearing in the question of whether the department should approve or disapprove the proposed issuance or transfer. Mayor Lucero stated that the Notice of a Public Hearing was required by the Liquor Control Act and also stressed that a record be made of the hearing. Mayor Lucero stated that within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division as to whether the local Governing Body had approved or disapproved the issuance or transfer of the license.

Mayor Alice A. Lucero opened the Public Hearing at 8:47pm

Mr. Linn Zheng of China Kitchen, Inc. stated his name for the record. He clarified that he was the designated representative of his family's restaurant to speak in favor of the transfer of the existing liquor license for on premise consumption subject to only restaurant beer and wine.

Mr. Diego Lopez stated his name for the record stating that he was strongly opposed to the transfer of the liquor license for on premise consumption subject to only restaurant beer and wine. He further added that the alcohol outlet density for the community was 300% over the New Mexico State quota in local option districts with populations greater than 10,000. Mr. Lopez stated that unless there was a stronger local control(s) to decide whether to approve a new or transferring license based on health and safety impacts of the community, Española would continue to have major problems such as DWI and alcohol related deaths.

Mayor Alice A. Lucero closed the Public Hearing at 8:50pm

Motion made by Councilor Michelle R. Martinez for the Consideration of the request from China Kitchen, Inc. for a Transfer of Ownership of Liquor License, Restaurant Beer and Wine. Proposed location is: 604 South Riverside Drive Suite A., Española, NM 87532. Motion 2nd by Councilor Adrianna Ortiz.

Michelle R. Martinez explained that current statutes in the Liquor Control Act (LCA) excluded Restaurant Licenses beer and wine only, but do suggests that by limiting outlets to no more than 1 liquor license for every 2,000 population. She further stated that the process to change or petition change must begin through an election process at which local zoning to apply effective restrictions on sensitive alcohol outlet density areas such as the City of Española. She further stated that by strengthening local control to decide whether to approve a new or transferring license based on health impacts would be imperative to controlling local related harms. Councilor Michelle R. Martinez stated that she would vote in favor of the of the transfer of the existing liquor license for on premise consumption because the applicant is subject to only restaurant beer and wine which the LCA excludes from current State statute. Councilor Adriana Ortiz echoed the sentiments made by Councilor Michelle R. Martinez.

Mayor Pro-Tem Pedro Valdez stated that the issuance would serve as a contributing detriment to public health, safety, and was an immoral decision against public safety given the current demographic. Similar comments were echoed by Councilor Peggy Sue Martinez and Councilor John Hernandez.

Roll Call Vote:

<i>Councilors:</i>	<i>Cory Lewis</i>	<i>Not in Favor</i>
	<i>Michelle R. Martinez</i>	<i>in Favor</i>
	<i>Dennis Tim Salazar</i>	<i>in Favor</i>
<i>Mayor Pro-Tem:</i>	<i>Pedro Valdez</i>	<i>Not Favor</i>
	<i>Adrianna Ortiz</i>	<i>in Favor</i>
	<i>Peggy Sue Martinez</i>	<i>Not in Favor</i>
	<i>John Hernandez</i>	<i>Not in Favor</i>

Motion failed 4-3

Councilor Michelle R. Martinez out 9:02pm

12. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

12. Consideration of City of Española Independent Contractor Agreement; On Call Professional Engineering Services Independent Contractor Agreement Between the City of Española and Wilson & Company, Inc. – City Manager Kelly Duran

City Manager Kelly Duran stated that the initial term of this Agreement shall be effective through December 31, 2015 but was subject by approval the City Council unless sooner terminated is requested. CM Kelly Duran further stated that the agreement may be renewed annually for a term not exceeding four (4) years. CM Kelly Duran stated that the duties and responsibilities would include Project Coordination, Studies, Design Services, Bidding Services, Construction Documents, Construction Administration, Construction Observation and Specialty Services.

CM Kelly Duran further stated that the Scope of Services included Continuing Work, Project Specific Work, Continued Work and Special Projects and Reports. City Manager Kelly Duran stated that the services may include special investigations, construction observation, surveys, mapping, comprehensive planning, C.I.S. development, facilities planning, impact fee analysis, environmental reviews and documents, studies, and reports which both parties to this Agreement mutually agree would be best provided under separate Letter of Agreement, Task Order or comprehensive Contract rather than under Paragraph III A, Continuing Work.

Councilor John Hernandez questioned CM Kelly Duran if Wilson & Company, Inc. would serve as the Engineer of Record. CM Kelly Duran replied in the affirmative stating that Wilson & Company, Inc. would be the Engineer of Record for the City of Española.

Motion made by Councilor Peggy Sue Martinez in favor of the On Call Professional Engineering Services Independent Contractor Agreement Between the City of Española and Wilson & Company, Inc. Motion 2nd by Councilor Cory Lewis.

Motion Carried 6-0

13. Approval City of Española Department of Public Works Order No. 03, Re: Waste Water Treatment Plant (WWTP); Wilson & Company Project No. 14600211-03 – City Grant Administrator Diahann Jacquez

City Grant Administrator Diahann Jacquez stated that the proposal date for the Waste Water Treatment Plant Improvements was received from Wilson & Company, Inc., January 7th, 2015. She further stated that the Engineers of Record could now provide professional engineering services specifically pertaining to the planning, design, bidding, and construction of miscellaneous improvements at the City of Española Wastewater Treatment Plant and the Scope of Services. City Grant Administrator Diahann Jacquez explained that that the task order consisted of; TASK 01 Planning Phase, TASK 02 Pre-Design Phase and TASK 03 Design Phase. City Grant Administrator Diahann Jacquez stated that the task orders presented must be approved by Governing Body before the Engineers of Record could officially begin.

Motion made by Mayor Pro-Tem Pedro Valdez to approve Approval City of Española Department of Public Works Order No. 03, Re: Waste Water Treatment Plant (WWTP); Wilson & Company Project No. 14600211-0. Motion 2nd by Councilor Cory Lewis.

Motion Carried 6-0

14. City of Española Resolution 2015-01; A Resolution Approving Holidays to be observed for this Calendar Year 2015. City Clerk Anna Squires

City Clerk Anna Squires Stated that the City of Española is a governmental agency operating within the State of New Mexico and Personnel Policy suggested that the Governing Body of the City of Española believed it was in the best interest of the City to adopts a resolution to ensure a clear schedule of the holidays in observation for the next calendar year 2015.

*Motion made by Councilor Cory Lewis to approve City of Española Resolution 2015-01; A Resolution Approving Holidays to be observed for this Calendar Year 2015. Motion 2nd by Councilor Peggy Sue Martinez
Motion carried 6-0*

Councilor Michelle R. Martinez in at 9:08pm

J. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

K. ADJOURNMENT

Motion to adjourn made by Councilor Cory Lewis; Motion 2nd by Mayor Pro-Tem Valdez.

Motion Carried 7-0

Meeting Adjourned at 9:10pm

ADOPTED AND APPROVED by the Governing Body of the City of Española this 24th day of February 2015.



The Honorable Alice Alarid Lucero
Mayor, City of Española

ATTEST:



Anna Squires, City Clerk
[SEAL]

