



CITY COUNCIL MEETING
TUESDAY, AUGUST 23, 2011 6:00PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

Mayor Alice A. Lucero called the meeting to order at approximately 6:00 p.m. with the following Governing Body members in attendance:

Mayor: Alice A. Lucero
Councilors: Cory Lewis
Greg Ortega
Rosario (Chayo) Garcia
Dennis Tim Salazar
Helen Kain-Salazar
Pedro Valdez
Robert Seeds

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilor Dennis Tim Salazar.

C. MOMENT OF MEDITATION/ INVOCATION

The Moment of Meditation was led by Councilor Helen Kain-Salazar.

D. ROLL CALL/ DETERMINATION OF QUORUM

E. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval.

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS**
- H. MATTERS FROM THE MAYOR**
 - 1. Proclamation- Kathleen Ramsey, 25th Anniversary of the Wildlife Center
 - 2. Employee of the Month- Ronald Martinez
- I. PUBLIC HEARINGS**
 - 3. ORDINANCE 2011-04: AN ORDINANCE RELATING TO THE LEASE OF MUNICIPAL REAL PROPERTY COMMONLY KNOWN AS THE CRISIS CENTER
- J. BUSINESS WITH VISITORS**
- K. CONSENT AGENDA**
 - 4. Approval of Minutes
 - a. July 21, 2011 Finance Board Meeting
 - b. July 26, 2011 City Council Meeting

L. REPORTS

5. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
6. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)
7. **City Manager (Finance Report and Staff Reports)**

M. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

8. Resolution 2011-10: Repealing and Replacing Resolution 2011-05; Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank accounts
9. Glorieta Geoscience Inc. Proposal Approval
10. Resolution 2011-11: Scope of Work Change MAP-7639(900)

N. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (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.

O. ANNOUNCEMENTS

P. 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---

City Manager Lujan stated that he would like to remove letter I- the public hearing from the agenda. He stated that he would place it on next month's agenda.

Motion to approve agenda as amended by Councilor Ortega; seconded by Councilor Kain-Salazar.

Motion carried 7-0.

F. PUBLIC COMMENTS

Mr. Joaquin Maestas expressed his feeling that the Council did not understand that he represented a constituency. He stated he would like to provide the Governing Body with the opportunity to hear from the employees themselves.

Mr. Perry Vigil stated that excluding Public Safety from furloughs is unfair and when the budget process begun, the council agreed that everyone was going to take part. He stated that he believed the City of Española was one entity and all employees should stand and fall together.

Mr. Larry Valdez echoed the sentiments of Mr. Vigil. He stated that he was concerned with the safety of the employees with less people in the field and expressed his fear that this shortage may be causing problems. He explained that there had been a health and safety committee in the past and, although they had not met in a long time, he felt its reinstatement was important.

Mr. Maestas stated that he has heard the employees are experiencing pain in response to furloughs. He stated that at the last City Council meeting, several councilors had spoken against holding the Public Safety Department harmless. In addition, he expressed his feeling that the Governing Body also needed to care for the employees. Mr. Maestas explained that this was why the union wished to re-establish the Health & Safety committee. He stated that employees

were working with understaffed departments that may be operating against OSHA and federal standards. Mr. Maestas stated that he did not believe that councilors wished to lay employees off; therefore he was proposing the following: A) bringing back the Health & Safety Committee B) Ensuring that money savings were spent on the alleviation of furloughs. Mr. Maestas also suggested the institution of a hiring freeze.

Mayor Lucero asked for comment from the City Manager. City Manager Lujan stated that Council had agreed to review the status quarterly and there had been some savings. Mayor Lucero stated that she and the City Manager were monitoring the budget on a weekly basis and when there was enough money to do away with furloughs, they would do so.

Mayor Lucero explained that the money was non-existent; therefore, there was no actual salary savings. Mayor Lucero stated she was hoping to make some sort of an announcement with good news at the end of the quarter. She recalled a discussion during the previous year during which the union had stated that they preferred furloughs to layoffs. Mayor Lucero acknowledged that employees were hurting and stated that employee appreciation day had been in response to that knowledge. She explained that the meal had been funded by the Governing Body, City Attorney, City Manager, and City Clerk and no money had been taken from the general Fund. She stated that she knew that it would not make up for the furlough days and added that accountability would be instituted. She thanked the staff again for their hard work and stated that there were several great employees. Mayor Lucero implored them to not listen to gossip as it affected morale. She reiterated that as soon as GRT revenues increased, furloughs would be done away with. Mayor Lucero thanked the employees for attending the meeting and encouraged their continued attendance as the Governing Body needed to hear from them. She stated that safety should be the number one (1) priority and declared that she would see to it that employees were not put in any danger.

Councilor Kain-Salazar stated that she prayed that revenues would pick up so everyone could go back to work. She stated that furloughs are affecting their constituents as well.

Councilor Ortega thanked everyone for attending. He stated that he felt the same way as the general employees. He stated that his decision regarding furloughs was made based on the assumption that everyone would be taking a furlough day. Councilor Ortega explained the rationale behind doing away with Public Safety furloughs; however, he stated that he still agreed with giving everyone furloughs and did not take the decision lightly to have furloughs.

Councilor Seeds stated that he did not think a lot of people understood the dedication of the employees. He referred to an article in the Rio Grande Sun which stated three (3) employees had been hired. Councilor Seeds stated that he had requested a hiring freeze prior to the fiscal year and employees were giving a lot more than they should be. He stated he believed a lot of employees were in harm's way and the Governing Body needed to set an example for the employees. Councilor Seeds asserted that they did not need to hire a new Fire Chief, new Administrative Services Director or an Assistant to the City Manager.

Mayor Lucero stated that no new positions had been created, these were vacant positions. She added that a Deputy Clerk was not being hired and had instead been under-filled by the administrative assistant. Mayor Lucero clarified that there was only the City Clerk and an Administrative Assistant providing support to the Mayor, City Manager, and Governing Body. She stated that there was a third position that would remain vacant. Mayor Lucero asserted that

there were positions that needed to be filled. Councilor Garcia stated that the Finance Director had needed to be hired as it was statutorily mandated.

Councilor Seeds stated that Ron Padilla was already in place as Fire Chief. Mayor Lucero informed Councilor Seeds that Mr. Padilla had stepped down. She stated that the position had been advertised, interviewed and an individual was hired. Mayor Lucero added that there had been an individual helping with procurement; however, the employee had resigned. She reiterated that the positions needed to be filled and explained that the only positions approved by council were the four (4) exempt employees- City Manager, City Attorney, City Clerk, and Police Chief. The other positions were to be filled by the City Manager.

Mayor Lucero stated there were currently twenty (20) vacancies. City Manager Lujan stated that all Governing Body members had approved the budget, including Councilor Seeds, thereby approving the positions. City Manager Lujan vowed to review procedures to ensure that no employees were placed in harm's way.

Councilor Seeds declared that this way of doing business was failing and reiterated that he had asked that all prospective hires be discussed before the finance committee. He stated that he would like to hold everyone accountable and things were not getting better.

Councilor Valdez asked whether or not they could give up their salaries as councilors and donate it to the general fund. He stated that this was a way for Councilors to contribute to the alleviation of furloughs. Mayor Lucero asked for the amount that Councilors were paid. City Manager Lujan read the totals as follows:

Mayor Lucero:	\$11,452
Councilor Lewis:	\$8,111
Councilor Salazar:	\$8,111
Councilor Garcia:	\$8,253
Councilor Lujan:	\$7,109
Councilor Seeds:	\$17,603
Councilor Valdez:	\$ 7,109
Councilor Ortega:	\$7,109
Councilor Kain-Salazar:	\$7,109

Mayor Lucero pointed out that Councilor Seeds was making more than the Mayor. Councilor Seeds asked why there was such a difference. City Manager Lujan replied that it was due to his benefit package.

Councilor Seeds stated that he had visited City Manager Lujan who had informed him that the Governing Body did not qualify for furloughs.

City Attorney Frank Coppler stated that there was always a debate regarding the decrease of elected official salaries. He stated that there is a constitutional amendment that states that an elected official's salary could not be increased or decreased during his/her term. He continued that the provision had been in effect since New Mexico became a state and the intent was to not allow the legislative branch of the government to conduct business with fiscal provisions hanging over their heads.

Councilor Valdez asked if they could donate the money. City Attorney Coppler stated that he did not think it was illegal to donate. He stated that the City of Española was eligible for charitable donations. He did caution that, as a tax matter, the Governing Body would end up having to pay taxes on the salaries they earned.

G. COUNCILOR COMMENTS

Councilor Seeds asked how much money was generated from the tax set aside for solid waste during the previous year. Ms. Sandoval answered that that she could go and get an exact number. Councilor Seeds stated the the City of Española continued to encounter issues with solid waste. He stated that North Central Solid Waste was in the process of building a facility in Alcalde and asked whether the City of Española had taken an interest. Mayor Lucero stated that this issue would need to be discussed at the public works committee level. She added that, given the current financial situation, there was an inability to take on any other commitments.

Councilor Garcia reminded everyone that the Department of Transportation was holding a public meeting at the Mision y Convento the following evening. She stated that there would be a discussion regarding the placement of a roundabout in front of the Convento.

Councilor Valdez reflected on the flooding that had taken place the previous Sunday. He thanked the City Manager for taking care of the problems and stated that the storm source did work on Oñate Street. Mayor Lucero thanked the Police Department and Public Works Departments for coming together to work on the flood issues.

Councilor Lewis stated that he had been receiving complaints from the public regarding panhandling. He stated that he had received information that the officers were not willing to issue tickets as they felt the ordinance was not valid. Councilor Lewis asked why the Police Department was not enforcing the ordinance. He stated he also received information that an officer had pulled someone over, discovered they had a valid warrant but did not arrest as he did not wish to drive the subject to San Miguel County.

Chief Montoya replied that, in regard to panhandling, he will address the issue with his staff. He added that they were attempting to utilize new employees to help combat panhandling when they were not in training. Chief Montoya stated that he had been out on the field himself as well.

He added that, as far as the warrant, if the Councilor provided him with the information regarding the officer, he would address it.

Councilor Seeds stated that he understood the department was short-handed and asked about a break-in in the Fairview area. Chief Montoya stated that he was doing what he could with the staff he had and he would be getting more employees shortly.

Councilor Salazar stated that he had received information that citation issuance had decreased significantly and he would like to see those numbers. Chief Montoya replied that the numbers were down and that he had spoken with his commanders. Chief Montoya stated that the revenue was down by approximately \$3,000.

Councilor Ortega stated that during the course of the police union contract discussions, Detective Martinez had discussed issues with the ordinance and Councilor Ortega had asked the officers to bring the issue to council with suggestions. He added that they had yet to bring it to the council

so that it could be amended. He asked that the Chief express this to the officers. Mayor Lucero stated that regardless of their personal feelings, the officers have taken an oath to uphold these laws. Chief Montoya stated that the officers do not have a choice whether or not they will enforce the ordinance and he will ensure they operate accordingly.

Councilor Valdez stated that he had been glad to see the officers driving around the Westside twice per week. He asked the public to look out for their neighbors as he had information that burglars were pretending to ask homeowners if they needed weeds cut in an attempt to find empty homes.

Councilor Lewis stated that there needed to be a police presence around the schools. He expressed his belief that people would keep breaking laws until they knew that there was a police presence.

Mayor Lucero stated that there had been Redi-Net ground-breaking the previous Monday at the Rio Arriba County Senior Center. She stated it had been well attended with Congressional Representatives in attendance; however, no one from the local media was there. She added that representatives from the Santa Fe New Mexican and Albuquerque Journal had shown up.

Councilor Seeds stated that there had been communication with the Española School Board regarding the land exchange agreement. He informed the Governing Body that the City Clerk had received a copy of the agreement that day. He encouraged the council to meet as soon as possible to proceed on the issue.

H. MATTERS FROM THE MAYOR

11. Proclamation- Kathleen Ramsey, 25th Anniversary of the Wildlife Center

Mayor Lucero read the proclamation.

12. Employee of the Month- Ronald Martinez

Mr. Marvin Martinez stated that Mr. Ronald Martinez was unable to attend due to a prior commitment. Mr. Marvin Martinez stated that Mr. Ronald Martinez had been nominated as he had taken over several responsibilities when Andy Vigil retired. He read the memo he had submitted as a portion of his nomination.

I. BUSINESS WITH VISITORS

Ms. Angelica Gurule stated that she was present on behalf of the "It takes a Valley" group which began on facebook.com. She stated that the group was looking to unite community members who wished to work to better the Valley. She stated that they hoped to develop a website. Ms. Gurule asserted that most good news was not published in the Rio Grande Sun and the "It Takes A Valley" group would like to create links to positive information. She stated that she was proposing collaboration with the City of Española on the website.

Ms. Gurule asserted that it was the job of the people to strengthen the community. Mayor Lucero stated that she had been excited when she had heard about the creation of this group.

Ms. Gurule stated that the group did not meet on a regular basis. Mayor Lucero requested that they inform the Mayor and City Council of their meetings and requested that City Clerk Mascareñas email all meeting agendas to Ms. Gurule.

Councilor Ortega asked City Clerk Mascareñas to provide Ms. Gurule with the email addresses for the City Council. Councilor Garcia stated that she had attended two (2) of the meetings and encouraged other councilors to attend. She stated that group's energy was great.

Ms. Gurule stated that if they had any information they would like to get to the council members, she would be happy to email it.

J. CONSENT AGENDA

13. Approval of Minutes

- c. July 21, 2011 Finance Board Meeting
- d. July 26, 2011 City Council Meeting

Motion by Councilor Pedro Valdez to approve consent agenda; seconded by Councilor Ortega.

Motion carried 7-0.

K. REPORTS

14. **Council Committees** (Public Safety, Public Works, Community Services, Finance)

Council Kain-Salazar stated that there had been two items that passed the Public Works committee which were placed on the evening's agenda for action.

15. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council, Regional Development Corporation)

Councilor Valdez stated that the term of North Central Solid Waste Authority's Board Member-at-large had lapsed and the Board was currently working on the MOU.

Councilor Garcia stated that the fiesta council was currently seeking members for the following year. She asked that any members of the public who were interested contact her or Manny Martinez.

Councilor Seeds stated that the NCRTD Board would be meeting regarding the Director position. He stated that they had encountered some delays with the new building but they were still hoping to move in by Fall.

16. **City Manager (Finance Report and Staff Reports)**

City Manager Lujan stated that Public Works had worked with the Department of Transportation for improvements from McCurdy Road to Fairview Drive. He informed the Governing Body

that Mr. Marvin Martinez had also been bringing the crews together on Wednesdays to do a weekly clean-up.

City Manager Lujan stated that he had followed up regarding the area by Bank of America, but had yet to receive any reply. He stated that he may request the Governing Body to release a letter requesting a response.

City Manager Lujan stated that he will continue to work on the issue of furloughs and hopes to make it work for everyone. He introduced Ms. Joyce Sandoval, Administrative Services Director; Ms. Julie Sanchez, Administrative Assistant; and Mr. Stephen Branch, Fire Chief.

Councilor Lewis asked the status of the efforts to create a school zone between City Hall and the Family Learning Center. City Manager Lujan stated that he had spoken with Ruben Garcia from the Department of Transportation and they would be putting up signs. However, they would be unable to place a flashing signal.

Councilor Lewis stated that he has found that people are going out of town and spending money so that they can play softball. City Manager Lujan stated that he had looked at a particular property aside from the ten (10) acres that were involved in the proposal with schools. He stated they were considering the development of two fields for next season and he had discussed placing turf on the fields with Councilor Seeds.

Mayor Lucero thanked Councilor Lewis for raising the issue and stated that perhaps some fundraising could be done to fund this project. Councilor Lewis stated that the "It Takes a Valley" group was willing to get involved with this initiative.

Ms. Sandoval stated that, in response to Councilor Seeds question earlier in the evening, a total of \$166,387 had been received in EGRT last year. She continued with the finance report stating that expenditures were down slightly compared to the prior month. She cited page 6 of her report stating that revenues had exceeded expenditures during the month of July.

Councilor Ortega congratulated Ms. Sandoval on her appointment and stated that he looked forward to continuing to work with her. Ms. Sandoval stated that she enjoyed her work and expressed her hope that the City of Española would continue to move forward. She stated that if they keep plugging away at the issues and don't lose focus, there were several resources available.

L. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

17. Resolution 2011-10: Repealing and Replacing Resolution 2011-05; Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank accounts

City Clerk Mascareñas stated that the same type of ordinance had come before the Governing Body shortly following her hire. This version simply removed Jessica Martinez as signatory on City of Española accounts as she had resigned her position with the City of Española. In addition, at Councilor Valdez' request, she had included the provision that each check would require two (2) signatures.

Motion by Councilor Ortega to approve Resolution 2011-10; seconded by Councilor Valdez.

Motion carried 7-0.

18. Glorieta Geoscience Inc. Proposal Approval

Mr. Marvin Martinez stated that he was presenting a proposal and provided the amount.

Mayor Lucero cautioned the council that this was a litigation issue and there could be no questions on the litigation.

Motion by Pedro Valdez to approve the Glorieta Geoscience Proposal; seconded by Councilor Ortega.

Mr. Martinez noted that the amount may decrease or increase based on the outcome of the litigation.

Mayor Lucero mentioned that this had been budgeted for under the Water Rights line item. Councilor Garcia suggested placing a cap on the amount. Councilor Valdez replied that the cap was \$46,794.

Motion carried 6-1.

Councilor Seeds stated that he was voting in the negative as he would like to know the actual cost.

19. Resolution 2011-11: Scope of Work Change MAP-7639(900)

Mr. Martinez explained that this was a request for the extension of a Scope of Work which would be used for maintenance to several city roads.

Motion by Councilor Valdez to approve Resolution 2011-11; seconded by Councilor Lewis.

Councilor Valdez stated he hoped the funds would be used equally among districts. Mr. Martinez assured him that it would.

Motion carried 7-0.

M. EXECUTIVE SESSION

There was no need to go into Executive Session.

N. ANNOUNCEMENTS

No Announcements.

O. ADJOURNMENT

Motion by Councilor Salazar to adjourn; seconded by Councilor Kain-Salazar.

Motion carried 7-0.

Meeting was adjourned at approximately 7:29 p.m.

Minutes taken and transcribed by Tessa Jo Mascarenas, City Clerk.

APPROVED AND ADOPTED THIS 27th DAY OF September, 2011.



Tessa Jo Mascarenas
Tessa Jo Mascarenas, City Clerk

Alice A. Lucero
Alice A. Lucero, Mayor