

Summary minutes of:

**City Council Workshop and Regular Meeting
Tuesday, March 23, 2010, 6:00pm
Public Safety Meeting Room
1316 Calle Adelante, Española, NM**

Call to Order

Mayor Lucero called the meeting to order at 6:04pm with the following in attendance:

Mayor: Alice A. Lucero

Mayor Pro Tem: Cecilia Lujan

Councilors: Rosario "Chayo" Garcia
Cory Lewis
Greg Ortega
Helen Kain-Salazar
Dennis Tim Salazar
Robert Seeds

Deputy City Clerk: Sally Baxter
City Clerk: Heather Velasquez

Staff: Ben Ortega, Public Works Director; Carlos Rodriguez, Wastewater Department Supervisor; David Bustos, Wastewater Department; Maria Sandoval, Recreation; Joyce Sandoval, Finance Department; Lupita de Herrera, Grants Coordinator

Members of the Public: Members of the EVHS Boys Basketball Team and their Coaches; Members of the EVHS Girls Basketball Team and their Coaches; Members of the EVHS Cheer Team and their Coach; Lucy Sanchez, David Aguilar, Donado Coviello and Erica Espinoza, Census 2010; JR Trujillo; AG Helton

Absent: Councilor Pedro Valdez

Pledge of Allegiance and Moment of Meditation

Councilor Salazar led the Pledge of Allegiance. Councilor Kain-Salazar gave an Invocation.

Roll Call

The City Clerk read the names for the roll call.

Mayor Lucero said she wanted to thank everyone for being there with special thanks for the boys and girls Sundevils and Cheer Team for being there.

Approval of Agenda

Agenda as presented:
---Begin---

**CALL TO ORDER
PLEDGE OF ALLEGIANCE AND MOMENT OF MEDITATION
ROLL CALL
APPROVAL OF AGENDA**

PUBLIC COMMENTS

COUNCILOR COMMENTS

MATTERS FROM THE MAYOR

1. Employee of the Month Award
2. Introduction of New Employees

3. Recognition of Frank Lucero for 19 years of service, Leroy Archuleta and 14 years of service and Magdalena Romero for 12 ½ years of service
4. Proclamation honoring Española Valley Sundevils Boys and Girls Basketball
5. Proclamation honoring Española Valley High School Varsity Cheer Team

BUSINESS WITH VISITORS

6. Presentation from Census 2010 Outreach Program by Lucy Sanchez
7. Presentation from Española Complete Count Committee by Phil Campbell-Graves
8. Presentation from LANL Environmental Permit by Dennis L Hjeresen

COMMITTEE REPORTS

FINANCE REPORT

STAFF REPORTS

CONSENT AGENDA

9. Approval of 1-26-10 City Council Meeting Minutes

ITEMS PROPOSED FOR COUNCIL CONSIDERATION

10. **DFA Resolution 2010-N** Operation DWI, **DFA Resolution 2010-O** Operation Buckle Down, **DFA Resolution 2010-P** Fire Protection Fund
11. **Resolution 2010-07** Approving Purchase of Water Rights from Michael Dondelinger
12. **Resolution 2010-04**; Declaring Surplus Inventory
13. **Resolution 2010-05**; for DOT Grant Reduction for various streets
14. Request for Proposal 2010-1 Ground Source Heating Pumps for City Hall Building
15. Request for Proposal 2010-2 Recodification of Planning and Zoning

PUBLIC HEARING

16. **Ordinance 2010-02**; An Ordinance Approving and Economic Development Project
17. **Ordinance 2010-03**; An Ordinance Amending Ordinance 2004-04 Adopting NM Traffic Ordinance by Reference and attaching fine schedule
18. **Ordinance 2010-04**; An Ordinance Amending Ordinance 313, as amended, and changing the Zoning Classification of a single lot of record requested by Mr. Ross E. Duran for property located at 407 Camino Del Sol

DISCUSSION ITEMS

ANNOUNCEMENTS

ADJOURNMENT

At any time during the Open Meeting, the Governing Body may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. 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---

Councilor Kain-Salazar said they should do number 4 and 5 first. Mayor Lucero said it could be after Public and Councilor Comments.

Councilor Salazar made a motion to approve the agenda as amended.

Mayor Lucero said to remove item 18 per Ross Duran.

Mayor Pro Tem Lujan seconded the motion. The motion carried 7/0.

Public Comments

There were none.

Councilor Comments

Councilor Seeds asked regarding the letter from Hector Balderas' office if a meeting had been set up with DFA (Department of Finance and Administration). Mayor Lucero said she had had telephone conversations and had a meeting a week from the previous day.

Mayor Lucero said she wanted to say Blue Star Mothers was active preparing care packages for troops and would be meeting March 27 at 9:00am at the National Guard to assemble packages. She asked people to please show up if they wanted to help. She said they could take goods such as candy and nuts.

Matters from the Mayor

Item #4, Proclamation honoring Española Valley Sundevils Boys and Girls Basketball

The Mayor said everyone was so very proud of them. She asked them to come forward and asked the Councilors to join her at the podium because they were all fans.

Mayor Lucero read the Proclamation for the Boys team.

Mayor Lucero and the Councilors presented certificates to the players. The Coach thanked the Mayor and Councilors, staff, and loyal fans. He thanked the team members and said they deserved the applause. He said to play at that level it was greatness. He thanked the fans and said they were not going to stop and would remember being a part of something special.

Mayor Lucero asked the Girls team and coaches to come forward. Mayor Lucero said this team was excellent. She said she had been listening to the game and they were so good and did so well and everyone was very proud of them.

Mayor Lucero read the Proclamation for the Girls Team.

Mayor Lucero and the Councilors presented certificates to the players. The Coach thanked the Mayor and Councilors for inviting them. He said a lot of hard work got put in. He said the players could be at home but were at the gym practicing. He thanked the community for their support.

Item #5, Proclamation honoring Española Valley High School Varsity Cheer Team

Mayor Lucero asked the Cheer Team to come forward.

Mayor Lucero said having been a former cheerleader she was very proud of these young people, and they did a really great job.

The Mayor read the Proclamation for the Cheer Team.

The Councilors gave certificates to each of the team members. Mayor Lucero said she wanted to acknowledge Leo Jaramillo had been the Coach for the Cheer Team for 14 years.

Mr. Jaramillo said his best pride was coming to his Alma Mater and coaching for 7 years. He said the students worked eleven months per year, and they represented the valley well, and maintained their academic standards.

Mayor Lucero said she wanted to say to the boys, girls, and cheer teams that they were the city's champions.

Item #1, Employee of the Month Award

Mayor Lucero asked Ben Ortega to come up. Mr. Ortega introduced himself and Carlos Rodriguez to present the Employee of the Month award to David Bustos. Mr. Ortega said Mr. Bustos had been with the city 19 years and had grown; Mr. Ortega said Mr. Bustos supervised 2 employees, worked collectively with the Water Division in times of need, was a morale booster for all members of Public Works, and he currently had Wastewater II classification and was studying for Wastewater III and water certification. Mr. Ortega said he was proud of Mr. Bustos.

Mayor Lucero presented a certificate to Mr. Bustos; she read the certificate and presented him with the certificate and a check for \$50.

Mr. Bustos thanked the Mayor and Council and said he tried to do the best he could and assist any way he could.

Item #2, Introduction of New Employees

Mayor Lucero said this was a new standing item. She said many times new employees were hired and they didn't know the Council and the Council didn't know them. She asked the City Clerk to present. The City Clerk said Maria Sandoval would introduce a new employee; Ms. Sandoval introduced Greta Trujillo, a new clerk in the Recreation Department.

Mayor Lucero welcomed her to the city; Ms. Trujillo said she looked forward to working with the Council members.

Item #3, Recognition of Frank Lucero for 19 years of service, Leroy Archuleta and 14 years of service and Magdalena Romero for 12 ½ years of service

Mayor Lucero said another agenda item added was to recognize retiring employees. She asked Frank Lucero, Leroy Archuleta and Magdalena Romero to come forward.

Mayor Lucero said she had known Mr. Lucero for many years, was on campaign trail, and had met Mr. Lucero's mother who told her he was retiring. She said she kept it in the back of her mind and thought the Council needed to recognize retirees.

Mr. Lucero said his last day had been March 26th, and he had 19 years with city. Mayor Lucero presented a certificate to Mr. Lucero. Mr. Lucero said he wanted to say good luck to the Mayor and new people coming in. He thanked his daughter, her husband and his granddaughter.

Mayor Lucero said presented a Certificate of Appreciation to Ms. Romero recognizing 12 ½ years of service.

Ms. Romero thanked the city for acknowledging her, congratulated Mayor Lucero on her victory, and thanked all the employees who had been there. She said she wanted to acknowledge her son and daughter and said she had 2 beautiful granddaughters. She thanked Len Cata (Community Services Director) and Teddie Riehl (Library Director). She said she enjoyed working for the city and the library. Mayor Lucero said she could always come back and volunteer.

Mayor Lucero said Leroy Archuleta was not at the meeting so she would recognize him at the next meeting.

City Attorney Paula Maynes asked to move items 11 and 14 to be heard now to allow the Public Works Director, who was not feeling well, to go home early.

Items Proposed for Council Consideration

Item #11, Resolution 2010-07 Approving Purchase of Water Rights from Michael Dondelinger

Ben Ortega, Public Works Director, presented. Mr. Ortega said this was a resolution to approve the purchase of water rights, \$17,640 for 5.04 acre feet of water rights. He said this was a normal application of procedures before them, and he recommended the Council approve the Resolution.

Mayor Lucero asked if the city had money appropriated under the water rights line item. Councilor Seeds asked if there was a record that documented how much water rights the city owned. Mr. Ortega said approximately 3,000 acre feet.

Councilor Seeds asked what the use was yearly; Mr. Ortega said 1,500 acre feet. Councilor Seeds asked if this was needed; Mr. Ortega said normally when an individual or association offered water rights the city acquired them. Councilor Seeds said he was concerned about the financial situation in the city, and he felt they needed to back up and review where the city was at. He said he felt they should not buy water rights if the city didn't need them now. He said the city was in a crisis situation, and some things were nice to have but until the Governing Body truly knew the water rights were needed, they should wait.

Councilor Garcia said she would like to comment on Councilor Seeds statements; she said the city had passed a tax specifically for this and would not taking money out of the general fund. Mayor Lucero said it would not come out of the general fund. Councilor Seeds asked if the fund was for water rights only; Councilor Garcia said it was for water things such as lines and rights. Councilor Seeds said that was his point; he said the city needed water lines now.

Mayor Lucero said they had worked many years, identified projects, and had funds set aside for this; she said this fund was for water rights only. Mr. Ortega said that was correct, the fund was for purchasing water rights only. Councilor Seeds asked if the money had ever been intermingled; Mayor Lucero said no. Mayor Lucero said the city had money allocated from the water utility fund, an ordinance had established special funds, the money came from the legislation or special appropriations, and when the city designated a fund for a specific purpose that was all it could be used for.

Councilor Salazar made a motion to approve the Resolution; Councilor Kain-Salazar seconded the motion. The motion carried 7/1 with Councilor Seeds opposing the motion.

Item #14, Request for Proposal 2010-1 Ground Source Heating Pumps for City Hall Building Mr. Ortega presented. He said the city had received a federal grant for a geothermal heat pump for city hall. He said he was requesting the \$50,000 match, the project had gone out to bid and the city received 4 proposals from firms. He said two were in the New Mexico area, and he recommended Loop Tech International in Albuquerque. He said they were the most local, most experienced, and would install an interim air conditioning unit free of charge. He said currently the air conditioner was disabled and the system would not be operable until the end of summer. He asked if the Governing Body agreed with the staff recommendation to select Loop Tech International.

Mayor Lucero said she would like to mention the \$50,000 match was from money budgeted for HVAC (Heating, Ventilation and Air Conditioning) and they were only using \$50,000.

Mr. Ortega said geothermal was a ground source heat pump, it channeled water into the earth, and the heating bill for City Hall would be reduced.

Mayor Lucero said she would like to add that the city received \$500,000 from ARRA (American Recovery and Reinvestment Act).

Councilor Salazar asked Mr. Ortega what the percent reduction would be; Mr. Ortega said he was hoping to see a 40% reduction.

Councilor Garcia made a motion to approve the proposal seconded by Councilor Lewis. The motion carried 7/0.

Mayor Lucero thanked Mr. Ortega and said he could be excused now.

Business with Visitors

Item #6, Presentation from Census 2010 Outreach Program by Lucy Sanchez Ms. Sanchez said she wanted to recognize David Aguilar and Donado Coviello.

Ms. Sanchez thanked the Governing Body for allowing the Census to do a presentation on the different types of enumeration. She referred to a map she gave them and said she wanted to explain what the Census had decided to do. She said there were 3 types of enumeration. She said Census employees would go door to door to interview the person in the household, and would go back up to 6 times. She said mail out and mail back, referred to forms mailed to most households. She said they also had a nonresponse follow up, and quality control to finish up. She said if an individual did not send the form back, an enumerator would visit the household. She said this was the biggest operation, and the Census decided update and enumerate was going to happen. She said they had decided this would be the best for this

community, enumerators would ask questions at the door, it was ten minutes and ten questions, and they hoped that this would give a more accurate count for the community.

Councilor Ortega thanked them being at the meeting. He said he was a little concerned that historically Española was difficult to count. He said in the past the city didn't get people to come to the door, and he wondered if they were going to capture a majority of the percentage that they should capture. He asked what they were doing to capture people who didn't want to open the door. He said the city had a population of illegal aliens and asked what the percentage counted was 10 years prior; Ms. Sanchez said 40%. Councilor Ortega said the city was losing out on federal funds and this really concerned him.

Ms. Sanchez said partnership was a new program, and she had been very blessed and lucky to hire the partnerships she had now. She said Erica Espinoza was outstanding, was a crew leader, and she had Mr. Aguilar, and Mr. Coviello reassigned to Rio Arriba and Española. She said she had staff familiar with the illegal population. She said their fear was that immigration would come for them so the Census didn't hire anyone with a police background. She said her hope was to increase the percentage and they were doing the best they could in each community. Ms. Sanchez said she had been told "update and enumerate" would increase the percentage counted in Española.

Mayor Pro Tem Lujan asked how they communicated with the community so public was aware this was happening; Ms. Sanchez said it was best to get the media involved.

Councilor Garcia said the population included a lot of Spanish speaking, and she asked how many workers were bi- or tri-lingual. She asked if anyone spoke Tewa. Ms. Sanchez said most of her assistants spoke Spanish and she had a specialist who did speak Tewa and she did have assistants who were part tribal and spoke their native languages.

Councilor Garcia said she was worried only 4 people were working in the Española Valley. Ms. Sanchez said her job was to do outreach and enumeration and it was a different area. Councilor Ortega said "outreach and education" was getting the word out the Census was in town and needed to get people counted. He said there were few opportunities in the valley, there were radio, and a newspaper, and asked if they were utilizing those. He said the city had a large population of older folks who listened to the radio. Ms. Sanchez said there had been some advertisement.

Erica Espinoza, said regarding the media, the newspaper had been very gracious and put in several ads, they had a census event the coming weekend, and the main goal was to inform the community how important this was. She said only native speakers were hired for the pueblos. She said this was the Cadillac of counting. She said she was working on media, KDCE (Radio) had been awesome and even if no funds were available the work was getting done. She said she felt confident they would get the numbers up.

Councilor Seeds asked what the city could do to help. He said he was concerned numbers in the past were not where they should be. Mayor Lucero said last week Ms. Sanchez had met with Heather Velasquez. Ms. Velasquez said she had met with Ms. Sanchez, and had already set up "coffee break" (radio program), and census information had been included in the previous month's newsletter.

Mayor Lucero said she would be on "coffee break". Ms. Velasquez said information on the fun day was on the marquee, there was general information, and it was on the city's facebook page; Mayor Lucero said she knew it was on the marquee. Ms. Sanchez said Veronica Reyes, Media Specialist, would be on "coffee break". Mayor Lucero said she recommended cable TV; she said had space allowed for local information. Ms. Sanchez said they were a Census partner.

Ms. Sanchez said she want to say it was easy, facil, seguro, safe, and important. She said those were the 3 things to remember, and if they all worked together, they could make a difference.

Mayor Lucero said for the listening public she wanted to stress how important it was; she said the higher the population, the more federal funding the city was eligible for. Ms. Sanchez said she wanted to thank Erica Espinoza for the outstanding job she had done in our community, and Ms. Espinoza cared and loved her community.

Ms. Sanchez said before the fun event, she had organized a parade, and they would make some noise to make sure all heard them. She said it was important to fill out questionnaires.

Ms. Espinoza said she would like to invite everyone, they would be meeting at 9am at the Plaza, and it was a great statement to be a part of it. Councilor Seeds asked when this would be; Ms. Espinoza said Saturday.

Mayor Lucero said she would like to thank the Census Committee that had been appointed the previous fall.

Item #7, Presentation from Española Complete Count Committee by Phil Campbell-Graves
Mr. Campbell-Graves said the numbers 55%, Rio Arriba 44%, referred to initial response rates. He said this was important because it was the most reliable number and the problem was when trying to reach hard to reach and hard to count populations.

Mr. Campbell-Graves said the portion focused on was the hard to count. He said the Española Complete Count Committee was tasked with developing a community plan to reach the hard to reach population. He said census research showed a mailout campaign and a door hanger campaign at the same time they advertised in a community got reliable responses, but the problem in Española was that they didn't have a media campaign. He said they needed to saturate the community. He said for everyone to tell their neighbors, call their neighbors, and when anyone called utilities, for example, ask the customer if they had filled out their census. He said one thing they did need to do, something that had fallen through the cracks, was that the budget for Española was being spent elsewhere and he wanted to bring it back to Española.

Mr. Campbell-Graves said the Governing Body members could write a letter to the highest level they could and demand they release the funds that were committed to Española. He said they all needed to work together.

Ms. Sanchez said there were 2 question and answer sites in Española, 3 "be counted" boxes, and she had been promised 5 additional sites for "be counted boxes". Mr. Campbell-Graves said "be counted" boxes were places where if people were not getting questionnaires they could get one like at the Lucero Center. Mayor Lucero asked if they would place one at the utility counter at City Hall; Mr. Campbell-Graves said yes.

Mayor Lucero thanked them for making sure Española got counted.

Item #8, Presentation from LANL Environmental Permit by Dennis L Hjeresen
Rick Ulibarri and Dennis Hjeresen presented.

Mr. Hjeresen said he wanted to talk about LANLs (Los Alamos National Lab) upcoming hazardous waste permits. He said Española was a neighbor of LANL and they needed an ongoing relationship. He said LANL had public hearings coming up, and the majority would be held in Santa Fe but there would be meetings in Española, Pojoaque and Los Alamos.

Mr. Hjeresen said the real issue was that the lab needed permits to manage, store and treat hazardous waste, it was the law, and they had been asking for a hazardous waste permit. He said they had been working ten and a half years on this and it was going

to a public hearing because over months of negotiation they had areas where they differed with the state on how waste should be managed. He said the negotiations were LANL and the Environment Department and people who registered with the state. He said there were a number of regional groups active in the discussion, there had been a lot of discussion, and one issue was that they were at odds with the activist community and NMED (New Mexico Environment Department) was open burning. He said LANL had 2 areas where they could burn and they needed to treat the residues of those.

Mr. Hjeresen said nothing about this dealt with radioactive waste; he said those were governed separately. He said the open burning was because the lab had worked on diversifying its mission and the residues were for thing for the Department of Defense, a number of federal agencies, homeland security, new explosives, detection of improvised explosives, and trying to understand how explosives were developed and applied in terrorist situations.

Mr. Hjeresen said the research done at Los Alamos regarded how to mix common chemicals and regulations on airplanes were due to this. He said the United States was now seeing improvised explosives from household chemicals, and the lab had about 1,800 or so pounds a year of residues from research. He said also they were taking down facilities built during the cold war relating to machined explosives and the machines had residues. He said these were energetic and sensitive so they were treated by taking a tray on a metal table, putting 3 large propane burners on the tray and firing it up, there was no smoke, and maybe 2 ½ gallons of ash left from 1,800 pounds burned. He said NMED agreed it was not a problem with respect to human health or polluting the environment, the activists agreed there was no human health risk, but the potential risk was to deer mice, and earthworms. He said the lab wanted to maintain its mission, the state had issued a notice of intent to deny, the hearing would be on this issue, and there would be testimony on 3 or 4 issues.

Mr. Hjeresen said this was a public process and on the hearing record right now the activist groups had raised over 1,400 comments, part of the issue was that when the hearings came to the local community the lab wanted to raise voices so the hearing examiner didn't have only one set of information. He said he was talking with veterans, etc., to get out information about the mission.

Mayor Pro Tem Lujan asked when and where the public hearing would be in Española; Mr. Hjeresen said he would let the Council know. Mayor Pro Tem Lujan asked what more was needed form the Governing Body; Mr. Hjeresen said there were a number of options, this was the public comment process, any comments went to the state itself, and there was a lot more information in the handouts he had given to the Governing Body members. He said he would be glad to come and talk to groups in Española.

Mayor Pro Tem Lujan asked if he was requesting a letter from them; Mr. Hjeresen said it would carry great weight, and he hoped they would consider language to have a fair and technically based hearing.

Mayor Pro Tem Lujan asked if the Governing Body could have a letter; Mayor Lucero said it was important for Española to show support to LANL. She said LANL had always been generous to the city, was consistent in providing services, and was a major employer. She said LANL didn't come to the Governing Body often, they needed to show support, and they needed to testify at the hearings in support of LANL initiatives.

Mayor Lucero said she would write a letter on behalf of the Governing Body to the Environment Department and would provide it to Mr. Hjeresen.

Mr. Hjeresen said do not go public as an institution often but this is important

Rick Ulibarri said they appreciated the support. He said one way LANL knew the outreach had born fruit was that the Governing Body understood their shared fate. He

said Los Alamos did need help now. He invited the Governing Body members to go to breakfast April 23rd in Los Alamos. He said he didn't have email addresses for the new Councilors. He said they would get to meet senior staff and LANL would do a series of tours so people could become informed of the different aspects of the shared fate.

Mayor Lucero said she would be sure each Councilor received the information.

Committee Reports

Ms. Velasquez said she recommended that since there were no committees this month, they proceed to finance and staff, and have Mr. Ortega present first for staff.

Mayor Lucero asked if there was a finance report; Ms. Velasquez said yes, Joyce Sandoval.

Finance Report

Joyce Sandoval presented. She said the recap sheet gave a general scope of the previous month compared to the same month the prior year. She said the overall trend from the prior year was the same. She said this month was a little lower in revenues but a little higher in expenses. She said there wasn't a tremendous fluctuation, this month the report showed controlling costs compared to actual revenues, it was off from the budget, and the city was sitting at a point to reach end of year at the breakeven point.

Mayor Lucero said it was difficult to receive the report this evening and try to digest it, and in the future she wanted it in the packet by the Friday prior to meeting. She asked the City Clerk to ensure the information would be ready by the Friday before the meetings. She said it was important to have material complete in the packet. She said those items not ready would be removed from the agenda. She said she didn't want to remove finance reports, and would really like the cooperation of all staff in this matter. She said they hadn't had time to review the report.

Ms. Sandoval said she had been asked to submit this report on Friday afternoon, had prepared it and submitted it to the Clerk to be sent via email. She said she apologized if it wasn't in the packet but she had forwarded the email to the Clerk on the Friday prior to this meeting.

Mayor Lucero said they had a work session the 3rd Monday of every month and staff needed to be aware so the Council did get information with time to review it.

Ms. Sandoval said this information could be available 5 working days prior to the meeting where this would be presented if the Governing Body would like; Mayor Lucero said the Finance Committee meeting was the second Tuesday of the month; the Mayor asked Ms. Sandoval to have the information for the Finance Committee and said then it could go to the Council. Mayor Lucero asked if the Councilors wanted a few minutes to review the information.

Ms. Sandoval said she would like to point out that on revenues, page 2, the city had more revenues in comparison to the prior rate, the growth rate was good for utilities, and it showed the city was obtaining more funds to cover costs which were going up as well. She said expenditures were growing at lower rates on a year-to-date comparison. She said there was a good structure set up if the city could maintain collections, be frugal, and look at things with long term life. She said the city could wind up at the end of the year where it didn't have a deficit. She said the city had the capability to recover.

Mayor Lucero said regarding expenditures she wanted to let the Council know what was going on with payment of debt. She said vendors had said they had not been getting paid in a timely manner, and since she had been in office she had required staff to pay vendors in a timely manner. She said that was why expenditures were higher.

Ms. Sandoval said no, they had been paying consistently. Ms. Velasquez said she asked the clerk in finance to get information so she could monitor the level of payables in any given month. Ms. Velasquez said Margie Vigil was in payables and there were currently 120 invoices waiting for payment, Ms. Vigil had some help from Laura Romero in payroll, and she was trying to turn this around before net 30.

Ms. Sandoval said page 4 was a tally of Gross Receipts Tax revenue from the last fiscal year to this fiscal year comparison. Ms. Sandoval said the city was not receiving as much as it had in the past but the trend was in line with prior years.

Councilor Seeds said moving into spring was spending time for citizens, the city had good weather and people spent money so by next week with the temperature in the high 60s people would start buying gardening supplies.

Mayor Lucero said she wanted to thank everyone listening and those present for shopping locally. She said at the previous meeting she had pleaded with employees here to have their families shop in town, and every dollar spent in Española was money in their pockets and the city needed revenues.

Ms. Sandoval said she wanted to point out final numbers, last month there was a positive projected year end and right now the city was sitting at \$90,000 revenues under expenditures but there were 4 months left in the year so the city could be close to breaking even. She said staff was recording activity carefully to avoid errors in data, had been cleaning up the general ledger, the last 4 months she could show had been done carefully and they had been good stewards of public money.

Councilor Ortega said looking at the bar chart on page 6, expenditures for the month of February were high, almost a million dollars. Ms. Sandoval said the city had several large payments in January and February, including payments from past years of things that were overlooked, issues in the prior year trying to catch up with those, and trying to bring outstanding activity current.

Mayor Lucero thanked Ms. Sandoval for the information.

Staff Reports

Mayor Lucero said the Councilors had staff reports in their packets and she hoped they had had time to review it. She said if they had questions to feel free to ask, and she was asking the Councilors to review the information before the meeting then ask questions at the meeting. Ms. Velasquez said at the request of the previous administration they had different department heads report on their reports; she asked if the Mayor still wanted this or only to ask questions.

Mayor Lucero said most of time when they had given reports they had read what was submitted in the packet. She said she would like the Councilors to read and ask questions and department heads didn't need to read their reports in the essence of time.

Councilor Garcia said she would like to involve them if they did have something to say or ideas on what the Governing Body could do to help them do their jobs more efficiently. She said she wanted to invite department heads to discuss if they had ideas.

Mayor Lucero said that was fine too and this evening acting Police Chief Christian Lopez had asked to be excused, and they were still working on that. Mayor Lucero asked if any department heads would like to comment.

Public Works

Ben Ortega, Public Works Director, said as a heads up on projects started this week, a 12" water main on Highway 106, and he was meeting with Santa Fe County officials, and they were supportive of a joint effort. He said the Water Department had applied for \$5.3 million in Water Trust Board funds. He said the Streets Department had

completed 12 potholes, ordered 15 new stop signs, and had had a public input meeting with North McCurdy residents. He said the coming Monday he would be meeting with Pacheco Lane residents at 6pm at the home of Elias Martinez.

Mr. Ortega said this Thursday during the lunch hour there would be an LED (Light Emitting Diode) lighting presentation, and there would be an evening presentation at a subsequent workshop. He said the street sweeper was down, the brakes needed to be repaired, and it would be back in service Thursday.

Councilor Garcia said she was wondering if there was somewhere someone could call to report potholes; Mr. Ortega said the pothole hotline was 747-6006, this was also in the newsletter, and with warmer weather they could use hot mix instead of cold mix.

Councilor Seeds asked Mr. Ortega if he could set up a schedule for potholes and the sweeper so the Governing Body knew when things were done. He said regarding speed bumps people couldn't see where the paint was faded. He asked if this could be scheduled, and working with Richard Marquez' crew, paint the curbs yellow, and for no parking, etc.; he said it seemed like it would beautify areas. He said on the pedestrian walkways on Fairview and Highway 68 the paint had faded away. Mr. Ortega said if the state wouldn't do this the city would then ask for reimbursements from the state. He said he had a schedule and would bring it to the Councilors. Councilor Seeds said he could answer constituent's questions regarding when this would be done.

Mayor Pro Tem Lujan said she was going to add to what Councilor Seeds had said. She said she knew Mr. Ortega was working on it and had identified crosswalks in October. She said when constituents called to get streets swept and potholes fixed the crew had done an excellent job. She said they had talked about "project management 101" with regards to scheduling trash pickup, sweeping, etc.

Community Services

Len Cata, Community Services Director, said they would be hosting a baseball tournament the next day at 3:00pm. He said as a reminder Family Fun Day would be Saturday at 11:00am to 6:00pm.

Mr. Cata said the New Mexico Children, Youth and Families Department would be donating a tree to the Plaza.

Mr. Cata said April 5th there would be an after school sport program at 5:00 to 7:00pm.

Councilor Seeds asked if the Ranchitos pool would be available for use this summer; Mr. Cata said they had started getting it ready, currently it was emptied, tomorrow they would bleach the tile, clean it up, and fill it. He said they had a new boiler, the locker rooms had been cleaned up, the tile had been cleaned, the bathrooms had been cleaned, and the idea was to open by May.

Councilor Seeds asked if he needed anything else from the Council; Mr. Cata said not right now, they were way ahead of the game.

Councilor Seeds asked if after May it would be open all week; Mr. Cata said it would be full time June, July, and August, then weekends in September. Councilor Ortega said he had gone by Ranchitos yesterday, he hadn't seen it that clean in a long time, it looked good, there was a sense of pride, and he knew staff was working hard.

Mr. Cata said it was a combined effort, and General Services and Richard Marquez' crew had assisted. Mayor Lucero said it was good to know there was a team effort, and she was happy to see that.

Councilor Lewis left at 8:20pm and returned at 8:30pm.

Consent Agenda

Item #9, Approval of 1-26-10 City Council Meeting Minutes

Councilor Salazar made a motion to approve the minutes; Mayor Pro Tem Lujan seconded. The motion carried 5/0 with Councilor Seeds abstaining.

Items Proposed for Council Consideration, continued

Item #10, DFA Resolution 2010-N Operation DWI, DFA Resolution 2010-O Operation Buckle Down, DFA Resolution 2010-P Fire Protection Fund

Lupita de Herrera, Grants coordinator, presented. Ms. De Herrera said Resolution 2010-N and Resolution 2010-O were for two grant awards and she was asking to include these in the budget so the city could spend the money.

Councilor Seeds asked if it was grant money; Ms. de Herrera said yes.

Councilor Ortega made a motion to approve Resolution 2010-N and 2010-O; Councilor Seeds seconded. The motion carried 6/0.

Ms. de Herrera said Resolution 2010-P was for money carried forward. She said there was a cash balance left in the budget, this had been included this from a prior year and hadn't been included in the new budget, and was money that wasn't expended.

Mayor Pro Tem Lujan asked why it was not expended; Ms. de Herrera said Chief Kitchen could answer but they usually did have carry over.

Mayor Pro Tem Lujan asked if there was an end date; Ms. de Herrera said no, they got quite a bit of money.

Councilor Seeds asked if this needed to be approved by DFA (Department of Finance and Administration); Ms. de Herrera said this would go to DFA.

Mayor Pro Tem Lujan made a motion to approve the resolution; Councilor Kain-Salazar seconded the motion. The motion carried 7/0.

Item #13, Resolution 2010-05; for DOT Grant Reduction for various streets

Ms. de Herrera said Resolution 2010-5 had previously been approved by the Council. She said the amount was \$57,120 and the city match was \$14,000. She said with the reorganization in the Governor's office they had decreased that amount. Ms. de Herrera said it was decreased and the city match was \$11,206.

Councilor Salazar made a motion to approve the Resolution; Councilor Garcia seconded the motion.

Councilor Seeds asked where the \$11,000 would come from; Ms. de Herrera said there was a fund that had money set aside to match DOT (New Mexico Department of Transportation) grants.

The motion carried 7/0.

Item #12, Resolution 2010-04; Declaring Surplus Inventory

Ms. Velasquez said the resolution was declaring surplus property, staff had collected the information, it had been forwarded to Bernadine Martinez (Procurement Specialist), and per state law items declared as surplus were presented and would be disposed of.

Councilor Seeds asked how long ago the list had been created; Ms. Velasquez said the previous week and it was created by Ms. Martinez. She said she would have to receive the past Mayor's signature and she needed to correct the date.

Councilor Seeds asked if it was Ms. Martinez' job; Ms. Velasquez said Ms. Martinez was the Asset Manager. Mayor Lucero said the department heads had submitted lists.

Councilor Garcia asked how this would work and if it was like a "garage sale". Ms. Velasquez said there was a date set for the auction, she didn't have the information but could send the information, and it was within the next 30 days.

Mayor Lucero asked Ms. Velasquez if the city put on the auction; Ms. Velasquez said yes.

Councilor Kain-Salazar made a motion to approve the Resolution, seconded by Councilor Ortega. The motion carried 7/0.

Item #15, Request for Proposal 2010-2 Recodification of Planning and Zoning

Russell Naranjo, Planning Director, said he was here to give an evaluation report for the recodification of the Development Code. He said it was determined with a point spread that one was deemed best qualified, it was in the packets, and he was recommending Basham and Basham PC. He said because this had been an RFQ (Request for Qualifications) and not an RFP (Request for Proposals), staff was requesting approval and signatory authority for the City Manager. He said there had been a directive from the Governing Body to make processes more customer friendly and planning staff was in a conversation with the IT department to get this document and maps online. He said this would incorporate 13 ordinance changes from the past few years.

Mr. Naranjo said he wanted to combine these into a single document and provide an evaluation of the code. He said areas of the code were unconstitutional, the project was desperately needed, it was budgeted for and had been for the previous 2 years, and the Planning Commission would assist. He said this affected any development within city and was of utmost importance and he was asking for approval.

Mayor Lucero said she had had a discussion with Mr. Naranjo regarding the business community and would have members of the business community meet with Mr. Naranjo and she wanted to invite the Councilors and invite Councilor Garcia to be the liaison to a board she would be appointing soon.

Councilor Seeds said he would like to be invited to that meeting and there were a lot of little things that were big to business owners, this need to be business friendly, and many couldn't make it with the restraints put on by the city.

Mayor Lucero she wanted to make sure local businesses were sustainable.

Councilor Seeds said in years past the city had made an effort to bring in big business and needed to realize the city would gain by helping smaller businesses also, and needed to help all business people.

Councilor Seeds and Mayor Pro Tem Lujan made a motion to approve, seconded by Councilor Ortega. The motion carried 7/0.

Public Hearings

Mayor Lucero said in the future she would like for the City Clerk to move Public Hearings up after Business with Visitors. She said they needed to be more timely and hear them earlier. She thanked AG Helton for his patience.

Item #16, Ordinance 2010-02; An Ordinance Approving an Economic Development Project
Russell Naranjo, Planning Director, said this was an ordinance relating to economic development planning. He said it was per LEDA (Local Economic Development Act) to allow developer participation and local government could provide assistance. He said the Governing Body could consider offering all forms of assistance under this ordinance but were not obligated. He said the proposal at hand was a 2 phase development with phase 1 an office suite, and phase 2, a 40,000 square foot structure.

Mr. Naranjo said the developer was in the audience, the Governing Body members had been given copies of the proposed elevation of the development, and the square footage to be dedicated to the city was on the right-hand side as shown in the elevation. Mayor Lucero said the portion dedicated to the city was 800 square feet for the city to use for economic development purposes.

Councilor Garcia asked if it would cost the city money; Mr. Naranjo said this point because of the way the development code was written, the developer was coming in, and at this point there were no costs to the city. He said it would be increasing GRT (Gross Receipt Taxes).

City Attorney Paula Maynes said this at this stage the developer was asking to be identified as eligible, and it would be the developer's obligation to provide information regarding money. She said at this point the Council was being asked to recognize Mr. Helton's company under the Local Economic Development Act.

Mayor Lucero opened the Public Hearing at 8:50 pm.

JR Trujillo, a member of the public, said he hoped tonight would begin the process of using all tools available. He said he didn't know much about the project at hand tonight but hoped it would start the process. He said hopefully tonight this would be the beginning of using all of the tools at their disposal.

AG Helton said he wanted to thank the Mayor and Councilors. He said before them was the ordinance and he was asking for help to make businesses grow in this community. He said the reason people left a community [to shop] was that they perceived they couldn't get goods and services at home. He said he was here to offer a chance to have things at home that people needed.

Mr. Helton said this was the first step and he could move forward if the Governing Body approved the ordinance.

Mr. Helton referred to a memo from his office, and said his researcher had said Española was underserved, and had asked if he wanted to pursue this further. Mr. Helton said he was hoping to improve the community, build, increase the quality of life, create jobs, and hopefully challenge others to do the same things. He said he would show this community he was proactive, business friendly, and tonight he was asking for the Governing Body's help and participation.

Councilor Seeds asked what type of businesses; Mr. Helton said it was a wide range, he had anchors, and had to get this nailed down then he could get the leases started. Councilor Seeds thanked him for wanting to invest in this community.

Mayor Lucero closed the Public Hearing at 8:57pm.

Councilor Ortega thanked Mr. Helton for being at the meeting. The Councilor said he liked to see this and asked what the timeframe was; Mr. Helton said if ordinance and the next 2 steps were completed by the next month, he hoped to open the anchors by December or March 2011.

Mayor Pro Tem Lujan asked what the estimate was for how many new jobs would be created; Mr. Helton said 45 to 60, depending on how much the community shopped there. He said Riverside Drive had thousands of people passing through not spending money. He said he estimated sales tax of \$80,000 for the city.

Mayor Lucero asked what economic development opportunities Mr. Helton was providing to the city by donating 800 square feet of space; Mr. Helton said the space would face Riverside, it would be a lot of money to build it and give it back, and he hoped that came across loud and clear.

Councilor Seeds made a motion to approve the Ordinance; Mayor Pro Tem Lujan seconded the motion. A roll call vote was taken and the motion carried 7/0.

Mr. Helton said with this he would begin the next step and get busy.

Item #17, Ordinance 2010-03; An Ordinance Amending Ordinance 2004-04 Adopting NM Traffic Ordinance by Reference and attaching fine schedule

Municipal Judge Stephen Salazar said there were about 6 sheets of paper in the packets. He said the first 2 were Ordinance 2010-03, and were dollar amounts for parking tickets. He said 6 years prior there were three parking ticket violations that Ray Wolf introduced to the Governing Body, and the Judge didn't know where fine amounts came from. He said in the last 5 months since hiring Public Safety Aides (PSAs) the number of citations issued had jumped to hundreds per month. He said there was an outcry from people for the \$100 fines [for all tickets issued] because it was not consistent with Taos or Santa Fe. He said the proposed schedule before the members of the Governing Body was created by Deputy Chief Byford, with no input from the Court because the Court shouldn't have input.

The Judge said the schedule needed to be readopted and reinserted into the records the City Clerk maintained. He said an Ordinance had been passed but the City Clerk did not have a record of the fine schedule, so the Governing Body needed to readopt it and it needed to be entered into the City Clerk's records.

Mayor Lucero said opened the Public Hearing at 9:09 pm.

There were no comments.

The Mayor closed the Public Hearing at 9:10 pm.

Councilor Seeds asked if the same fees were being used; the Judge said yes, all were the same, this was a penalty assessment schedule.

The Judge said this was for parking tickets, it could be changed, tabled, reduced, or increased at the pleasure of the Governing Body.

Councilor Seeds asked if it was the Judge's discretion and if the schedule was the maximum amount. The Judge said an individual could ask to protest, be set up for court or could mail in a check.

Councilor Seeds asked if the Judge felt comfortable with the amount; the Judge said he did not want input in setting the prices as that was not a thing a judge did. He said this was a coordinated effort of persons in the Police Department or it could be a Council Committee. He said the PSAs had been instructed to stop issuing tickets for now as the city needed to create a better format for parking ticket citation.

Ms. Maynes said the city had no parking fee fine schedule, the attached fee schedule had been lost and it was a clerical oversight. She said the city had gotten a grant and hired PSAs (Public Safety Aides) and had agreements with businesses to ticket in their lots. She said every ticket was \$100.⁰⁰, then there had been a moratorium. She said Deputy Chief Byford had talked to other communities, prepared this schedule, and she had looked at it and nothing seemed inappropriate.

Ms. Maynes said regarding Planning and Zoning Ordinances being recodified, at some point the city should have all ordinances reexamined and recompiled. She said she had been asked by the *Rio Grande Sun* (newspaper) and other attorneys for the code and she couldn't give it because it was scattered. She said the Governing Body should think about this.

Mayor Pro Tem Lujan said they needed to put something in place, she was looking at revenues, and the city was losing out.

Mayor Lucero asked if it had gone to the Public Safety Committee; Mayor Pro Tem Lujan said the previous month several Councilors had stated this needed to be put in place because the city was losing money. She said at that time Deputy Chief Byford had said he would come up with something.

Councilor Seeds said something needed to be in place, they needed to get it done, and he had heard the Officers were not citing; Ms. Maynes said she wanted to correct a misstatement; she said the Officers could cite for illegally parking in a handicapped space. She said it was set by the state.

Mayor Pro Tem Lujan said for the month of April they would look at these but the city needed to put something in place.

Mayor Lucero asked the Judge if anybody had checked these. She said for example stopping and standing or parking was \$25.⁰⁰ then page 4 had \$100.⁰⁰.

Councilor Ortega said there was one traffic citation and one parking citation.

Judge Salazar said when the PSAs started he didn't feel they had the full commissioned powers of Police Officers and he wondered who commissioned them. He said he thought they should have the power and authority of Police Officers, these would be for PSAs, the parking ticket schedule had been finished for quite a while, and they had wanted to go through public safety, go through finance, then the Deputy Chief had left, the city had had elections, the Committee meetings had fallen off the schedule so it had been hard to go through the Committees and get all of the input.

Mayor Lucero asked if the Councilors wanted to vote tonight or table it or take it to the committees; Councilor Ortega said it was important to do something but the Committees needed to look at this. He said they needed to make sure traffic and parking didn't have different amounts.. He said maybe they could put it in place to put the PSAs back to work then look at it.

Mayor Lucero said in that case it was better to table it than adopting it tonight and wanting to change it later.

Councilor Seeds said the timeframe was perfect and they should move to table it.

Councilor Seeds made a motion to table the matter until the next regular Council meeting, seconded by Councilor Ortega. The motion carried 6/0 with Councilor Garcia not voting.

Judge Salazar said he could bring information to the meeting and the Public Safety Aides should be there. Mayor Lucero said the Public Safety meeting would be April 5th at 6:00pm and Finance on the 16th.

Discussion Items

There were no items.

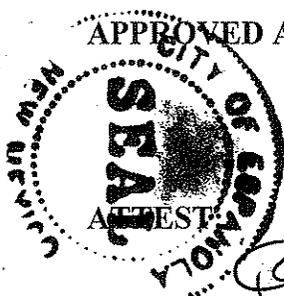
Announcements

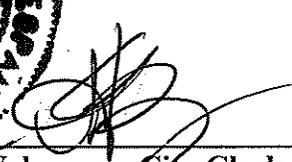
There were no announcements.

Adjournment

There being no further business, the meeting adjourned at 9:27pm.

APPROVED AND ADOPTED THIS 25TH DAY OF May, 2010




Heather Velasquez, City Clerk


Alice A. Lucero, Mayor