



CITY COUNCIL MEETING
TUESDAY, JANUARY 24, 2012 6:00 PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

Mayor Lucero called the meeting to order at 6:01pm.

B. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Councilor Dennis Tim Salazar.

C. MOMENT OF MEDITATION/ INVOCATION

The moment of meditation/invocation was led by Councilor Kain-Salazar.

D. ROLL CALL/ DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

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

E. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval.

---Begin---



AGENDA
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- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. MATTERS FROM THE MAYOR**
 - 1. Approval of Additional Fiesta Council Members
 - 2. Proclamation- Declaration of January 31 as Spc. Pernell J. Herrera Day
 - 3. Presentation of Certificate & Flag to the family of Spc. Pernell J. Herrera
- G. PUBLIC HEARINGS**

4. **Ordinance 2012-02:** An ordinance whereby the City of Española grants Jemez Electric Mountain Cooperative Inc, a corporation, its legal representatives successors, lessees and assigns certain powers, privileges and nonexclusive franchise to construct, operate and maintain for the city of Española and its inhabitants with electricity for light, heat and power in compliance with applicable laws, rules and regulations and to use the public streets, easements, rights of way, alleys, highways, sidewalks, bridges and other structures and public places and grounds in the city for a period of twenty five years and prescribing certain rights, duties, terms and conditions and providing for a service fee payment to the city.
5. **Ordinance No. 2012-03:** An Ordinance repealing Ordinance 2011-02, entitled "Ordinance repealing and replacing Ordinance No. 233 regulating and controlling the moving of any oversized load, house, building or part thereof into, out of, within or through the City of Espanola."
6. **Ordinance No. 2012-04:** An Ordinance entitled "Addressing vacant and abandoned structures within B1, B2, B3, ROI, HI, LI and Historical zoned properties within the Corporate Limits of the City of Espanola."
7. **Appeal:** An appeal by Robert Purdy and Carol Merriweather on behalf of the "Crisis Center of Northern New Mexico." This is an appeal to the Planning and Zoning Commission's denial of the request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.
8. **Appeal** by Phillip Chacon, for approval of an eight space Mobile Home Park on the property located at 611 Baker Lane, within an R-6 Urban Residential District.

H. REPORTS

9. City Manager Report

I. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

10. Española Public Schools Land Sale
11. Appointment of Precinct Board and Translators
12. Suspension of Furloughs for City Employees from February 2012 to June 2012
13. Resolution 2012-02: Cooperative Agreement SP-5-11 Project Extension
14. Souder Miller Professional Services Contract
15. East Pueblo Curb and Gutter Bid Award
16. Courtroom Remodel Bid Award
17. Request Co-Sponsorship of 1st Annual Española Car Show
18. Consideration of Beer Garden at 1st Annual Car Show
19. Wrecker Policy
20. Inspection Fees
21. Española Fire Department Physical Fitness Policy
22. Española Fire Department Accountability Policy

J. 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.

K. ANNOUNCEMENTS

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---

Mayor Lucero asked that Items 7 and 8 be moved up as items 4 and 5 so that the public in attendance could be heard first.

City Manager Lujan asked that Items 19, 20, 21 and 22 be pulled as they were not yet ready.

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

Motion carried 6-0.

F. MATTERS FROM THE MAYOR

1. Approval of Additional Fiesta Council Members

Mayor Lucero recommended that David Garcia become a member of the fiesta council and Vice-President and that Leroy Martinez become Treasurer.

Motion by Councilor Salazar to approve the additional Fiesta Council Members; seconded by Councilor Valdez.

Motion carried 6-0.

2. Proclamation- Declaration of January 31 as Spc. Pernell J. Herrera Day

Mayor Lucero asked that the family of Sgt. Pernell J. Herrera enter the chambers. Councilor Garcia read the proclamation. Mayor Lucero presented the proclamation to Dolores Quintana, Sgt. Pernell's mother, Arthur, his brother, and his two children.

3. Presentation of Certificate & Flag to the family of Spc. Pernell J. Herrera

Public Safety Chief Leo Montoya and Fire Chief Branch presented the flag to his brother. Mayor Lucero read the certificate.

G. PUBLIC HEARINGS

4. **Appeal:** An appeal by Robert Purdy and Carol Merriweather on behalf of the "Crisis Center of Northern New Mexico." This is an appeal to the Planning and Zoning Commission's denial of the request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.

Planning and Zoning Director Russell Naranjo presented the appeal. He stated that the Crisis Center had been located in the City for several years. He stated that the proposed housing would be for a period of twenty-four (24) months. He stated that they wished to place four (4) mobile homes.

Mayor Lucero stated that she wished to set ground rules. She stated that she would allow up to three (3) spokespersons for or against each issue to speak anywhere from 1-3 minutes. Ms. Lou Baker stated that she was the agent for the applicant. Ms. Baker stated that a letter of authorization had been given to P & Z Director Naranjo that gave her the right to act as the agent of the Crisis Center.

Mayor Lucero opened the hearing at 6:20pm.

Councilor Seeds asked for assurance that the parties standing on all sides of the room could hear. City Manager Lujan directed everyone to the committee room so they could hear the hearing.

Ms. Lou Baker began by thanking the council for their patience. She stated that she was a certified planner and this application had gone to the P&Z commission in October and November. She stated that they had chosen to appeal the decision. She explained that the project was at 814 Fairview Lane and the application was for special review and variance. She

stated that they had named it Primera Vivienda meaning first home. Ms. Baker began to read her presentation. She explained that they had provided letters and had an open house day on November 5, 2011 and no one had showed up. She stated that they had planned for each house to have a porch since studies have shown that when there are porches, people sit out and socialize and this reduces crime on the street.

Ms. Baker stated that the property owner intended to spend their money locally.

Ms. Baker added that a letter had been sent to the Espanola Public Schools, who were not responsive. She stated that Fire Chief Branch had informed them that the houses would require a fire hydrant, as well as smoke detectors and carbon monoxide detectors. She stated that they would have access to an RTD bus stop a short distance away.

Mr. Donny Lujan stated that he had been born and raised in Espanola. He stated that he was a victim of domestic violence. He stated that this was a needed project and expressed his belief that people were more important than property values, etc. He stated this was a private issue for people in the area. He added that it was very important that people had a safe place to go and anyone who said it affected the property value was just talking and didn't really stand for much.

Ms. Jeannie Martinez stating that she was speaking against the appeal in the interest of safety. She stated that she had a petition with 134 signatures. She added that she had researched other shelters such as Margie's house in Farmington and that the plans presented a safety concern for the neighbors as well as the victims. She stated that she felt they needed to be able to state how they would keep the area safe.

Ms. Margaret Velarde stated that her main concern was safety issues as well as vehicles going in and out of the property. She stated that HUD homes in the Los Lunas area were pathetic and she was concerned about her property values. She added that HUD did not go out to inspect their properties. She stated that on the corner of the Taos Highway and Fairview Lane, a man had killed his children and himself. She stated that the men and women getting these services were hiding from people they were afraid of. She added that the people they were afraid of would not hesitate to intimidate with a gun. She stated that if someone shot up the area, there would be children on the property and no one to take care of the children. She stated that this facility would take women with 3 months of psychological help and that it took more than 2 or 3 months. She stated that she had sustained twenty one (21) years of abuse and she had taken care of herself. She stated that the women that she had seen come in to sign the petition were pathetic, didn't know left from right, and all they wanted was to be taken care of. She expressed her belief that all this project would do was tear down the neighborhood and questioned how this would affect the schools in the area. She stated that she gave generously to crisis centers and underprivileged but that this was not the place for this project.

Ms. Carol Merriweather stated that this was rental housing that HUD had provided funding for. She stated that it was not a shelter and people would not be placed in this location right out of domestic violence situations.

Mr. Phil Chacon stated that the shelter was there for high risk cases and this was a secondary need to transition people. He added that the victims are probably already in the neighborhood and stated that it took a lot to even admit abuse. He stated that the community denying this project was turning their back on these women. He asked where the victims would turn and

added that Section 8 did not cover a lot of people. He stated that as a city, the people needed to stand up.

Ms. Jeannie Martinez stated that prior to this, the victims rented from private owners whereas now everyone would know where they were at. She continued that they are not turning their back on these people, but wish to ensure that they are protected.

Mayor Lucero asked if there was anyone else present wishing to comment.

Mayor Lucero closed the public hearing at 6:55pm.

Motion by Councilor Valdez to approve the appeal by Robert Purdy and Carol Merriweather on behalf of the "Crisis Center of Northern New Mexico" with the conditions set forth by the Planning & Zoning Department; seconded by Councilor Seeds.

Councilor Ortega inquired about the safety and security of the residents. Ms. Baker stated that the project would have full time and part time employees and security systems in place. Mayor Lucero asked if she was willing to state the availability of the employees. Ms. Merriweather stated that there would be ongoing support and continued counseling and they would continue to offer the 24-hour Crisis Center.

Councilor Ortega asked how long people would be in the shelter prior to the transition. Ms. Merriweather replied that they could stay up to ninety (90) days. She added that the clientele they be servicing was not necessarily directly from the shelter. She cited Ms. Velarde as an example of the type of person which they wished to offer services to. Councilor Ortega asked if there would be a set period of time that the residents would be allowed to stay. Ms. Merriweather replied that it would be for a period of 18-24 months.

Councilor Seeds stated that he had concerns regarding the safety of the neighbors and people that would live in the housing units. He stated that he did not wish to place children or elders at risk and he would feel more comfortable if there was a secure gate.

Councilor Valdez expressed his belief that this would be a positive change and an improvement to the area.

Chayo asked if there was enough room for ambulance and fire services. Chief Branch replied that he had reviewed the plans early on and it was tight but workable. He stated that there was a fire hydrant within the rules and regulations- less than 300 ft. Councilor Garcia asked if there would be enough lighting on the sidewalks. She stated that she believes it will change the neighborhood for the better.

Councilor Kain-Salazar stated that she had a problem with placing four (4) modular homes in the small space. She stated that others are not allowed to do this and it would be an inconvenience to residents.

Councilor Salazar asked Ms. Baker if the employees would be present 24/7. Ms. Merriweather said that the shelter maintains a phone line twenty-four (24) hours a day, seven (7) days a week, and 365 days per year. Councilor Ortega asked that the acequia not be disturbed. Ms. Baker assured him that it would not be.

City Attorney Coppler suggested that the motion be restated.

Motion by Councilor Seeds to amend the motion to include the stipulation that a fence be built around the property; seconded by Councilor Valdez.

Roll Call Vote:

Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Helen Kain-Salazar	Against
	Dennis Tim Salazar	In Favor
	Rosario "Chayo" Garcia	In Favor
	Greg Ortega	In Favor

Motion carried 5-1.

Return to motion to overturn the P& Z decision to deny request and grant the app with staff rec.

Roll Call Vote:

Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Helen Kain-Salazar	Against
	Dennis Tim Salazar	In Favor
	Rosario "Chayo" Garcia	In Favor
	Greg Ortega	In Favor

Motion carried 5-1.

5. **Appeal** by Phillip Chacon, for approval of an eight space Mobile Home Park on the property located at 611 Baker Lane, within an R-6 Urban Residential District.

Mayor Lucero asked City Attorney Coppler to present the item. City Attorney Coppler stated that this matter had been heard before by the City Council and they voted to deny the application. He stated that the matter was appealed to district court with one of the issues raised being that three (3) city councilors were allowed to vote on the appeal. He stated that the court had ruled that Councilors Seeds, Lewis and Lujan would not be allowed to vote on the appeal because City Council meetings were quasi-judicial proceedings and as such, the councilors were not allowed to indicate any prejudgment. Therefore, the court reversed the prior decision with regard to the procedural issue. City Attorney Coppler added that the other issues raised by Mr. Chacon had not been addressed. He stated that the court had instructed the City Council to hear the matter again. He stated that Councilors Lewis and Lujan were not present and Councilor Seeds would not be able to participate in the discussion because of the court decision.

City Attorney Coppler stated that he had spoken with Mr. Chacon's attorney and they had agreed to the specific procedure regarding the hearing of this appeal. He stated that they had agreed to maintain strict compliance with the District Court order. He stated that this would not be a hearing to create another record and they had agreed that the record from the past that had been

provided to district court would remain the official record. City Attorney Coppler stated that witnesses would not be sworn in. Mr. Rennick, the attorney for Mr. Phillip Chacon, agreed.

City Attorney Coppler stated that if any remaining councilors in attendance had issues that would disqualify them, they were allowed them to raise the concern. Councilor Garcia recused herself for a substantial conflict of interest.

City Attorney Coppler stated that he had had a discussion with Mr. Rennick regarding whether there would be 4 councilors in attendance to vote. He stated that under the municipal code, in order to have a quorum, at least one half of the Council plus the Mayor constituted a quorum. He stated that it had been agreed that the four (4) Councilors would decide the matter and the Mayor could vote to break the tie if there was one.

Mayor Lucero stated that each side would be allowed to appoint people to speak. They may divide the 15 minutes among the speakers.

Mayor Lucero opened the public hearing at 7:19pm.

Mr. Phillip Chacon stated that Mr. Jon Paul Romero and Mr. Rennick would present on his behalf and presented a petition with over 300 signatures.

Mr. Romero stated that he was present to speak regarding the land use code. He thanked the staff at the City. He stated that the fact was that the owner would like to develop the property to hold 8-units and had created a development plan. He stated that they had gone through the DRT process, during which all applicable planning sections had been afforded the opportunity to comment. Mr. Romero stated that they had recommended approval on March 11, 2010.

Mr. Romero stated that distance between this development and residential units were over 2,000 ft away and the project met the criteria set forth by the City. Mr. Romero stated that the median income in Espanola was \$29,000 and this development would provide the opportunity for people to own their own homes within City limits. Mr. Romero motioned to the crowd and stated that the majority of the people in attendance were in favor of the development. He added that the development would be aesthetically pleasing and fenced.

Mr. Charles Rennick thanked City Attorney Coppler for his explanation and stated that he would like to discuss the various legal documents in the case. He explained that during the course of all the reviews, the code from the 1990s and the 2003 code had been followed. Mr. Rennick discussed the current code and mentioned mobile home parks in 3 places. He stated that mobile home parks were allowed in any other district and identified the required criteria. He stated that 215 discussed 3 or more manufactured homes and stated that the regulations applied to mobile home parks.

Mr. Chris Roybal stated that he was present to speak against the appeal but would like to ask Mr. Coppler if he could restate the location in the court order where the judge had mandated that the Councilors could not vote or participate in the meeting. He stated that he was concerned that Judge Vigil had caused the residents of District 4 to be disenfranchised. Mr. Coppler responded that the order was on page 7 of the memorandum of opinion. Mr. Roybal stated that the judge had removed the rights of the residents of District 4 which would allow them to pursue the matter in district court. He stated that he would like to address the fact there was a need for affordable housing and he had personally canvassed the 12 established mobile home parks in the City of Espanola.

Mr. Roybal stated that a message had been sent out by Mr. Chacon that he would provide affordable housing; however, it was not the responsibility of the City to allow the developer to provide affordable housing, but it was the duty of the City to provide the housing. He stated that the city staff had failed to

amend the ordinances to meet the requirements of the comprehensive plan. Mr. Roybal inquired as to whether this would be a phased development because the code defined anything over 3 units as a subdivision. He stated that he lived in a mobile home and was not against people living in mobile homes; however, he did not feel it was right force this down the throat of residents. Mr. Roybal stated that Public Works Director Martinez and Hawk were good friends of his but were not engineers. Mr. Roybal commended Mayor Pro-Tem Lujan for standing up for her district. Mr. Roybal suggested taking a look at what is already in place and whether or not we wish to continue in that direction.

Ms. Dina Quintana, a resident of Espanola, stated that she lives on Calle Chacoma Vista. She commented on the fact that that Mr. Chacon's counsel referred to the development code and comprehensive code. She stated that there should be record during the March Planning and Zoning meeting about the agreement that the code would be brought into compliance with the comprehensive plan. She stated that within less than a mile there would be three (3) developments completed with paved roads and they were examples of development done correctly and Mr. Chacon had dismissed neighborhood concerns and had originally called the park high-end. She stated that he then changed it to affordable. Ms. Quintana added that Mr. Chacon had failed to sign an application for legal ownership.

Ms. Quintana continued that that she had seen no evidence that the court was requiring the allowance of this application and requested that the council return to the direction of the comprehensive plan.

Mr. Ken Kloss stated that he lived in Chacoma Vista, adjacent to the mobile home park. He expressed his shock that three (3) council members were told that they could not vote.

Mayor Lucero closed the public hearing at 7:51pm.

Motion by Councilor Valdez to overturn Planning & Zoning Commission denial and pass appeal; seconded by Councilor Ortega.

Councilor Valdez stated that he had voted in favor of the measure originally because Mr. Chacon had abided by the rules and he would be voting in favor of the measure for the same reason.

Councilor Ortega inquired about paving, parks, and lighting. Mr. Jon Paul Romero stated that the owner would add a curb and gutter section to meet City standards as well as adequate drainage. Mr. Chris Roybal replied that a developer could promise several, but asked who would enforce the fulfillment of such promises.

Motion by Councilor Ortega to amend the main motion to include the requirement of the fulfillment of the staff recommendations from the March 11, 2010 Planning & Zoning commission meeting as well as the adherence to subdivision regulations; seconded by Councilor Salazar.

Councilor Valdez asked if this was permitted under the zoning regulations. Planning & Zoning Director Naranjo replied in the affirmative.

Councilor Salazar stated that he had studied the issue thoroughly from both sides. He added that with the economy where it was, many families had been forced to struggle. He stated that, at the same time, the City was looking at standards to keep the integrity and fairness of the City.

Planning & Zoning Director Naranjo stated that, with regard to subdivisions, a surety bond would be required whereas the mobile home park regulations stated nothing to that effect. He added that the council could place this as a condition of approval.

Amendment:

Roll Call Vote:

Councilors:	Pedro Valdez	Not In Favor
	Helen Kain-Salazar	Not In Favor
	Dennis Tim Salazar	In Favor
	Greg Ortega	In Favor

Mayor Lucero served as the tie-breaker and voted in the affirmative.

Motion carried 3-2.

Councilor Ortega commented that he was born and raised in the valley and when he decided to run for city council he talked to many people and this type of issue had come up. He stated that he had been raised in a mobile home and not everyone could afford site-built homes. He expressed his belief that the City needed to come together to help each other out.

Councilor Kain-Salazar agreed with the comments of Councilor Ortega regarding the need for affordable housing. She stated she is not opposed to mobile homes, but to the fact that they are not set up right and maintained.

Main Motion

Roll Call Vote:

Councilors:	Pedro Valdez	In Favor
	Helen Kain-Salazar	Not In Favor
	Dennis Tim Salazar	In Favor
	Greg Ortega	In Favor

Motion carried 3-1.

Mayor Lucero recessed the meeting for a short break at 8:07pm.

Mayor Lucero called the meeting back to order at 8:17pm.

- 6. Ordinance 2012-02:** An ordinance whereby the City of Española grants Jemez Electric Mountain Cooperative Inc, a corporation, its legal representatives successors, lessees and assigns certain powers, privileges and nonexclusive franchise to construct, operate and maintain for the city of Española and its inhabitants with electricity for light, heat and power in compliance with applicable laws, rules and regulations and to use the public streets, easements, rights of way, alleys, highways, sidewalks, bridges and other structures and public places and grounds in the city for a period of twenty five years and prescribing certain rights, duties, terms and conditions and providing for a service fee payment to the city.

City Manager Lujan explained that the current franchise had expired in January 2006. He stated that he and Mayor Lucero had met and reduced the meters which the city pays for. He added

that he was looking into doing one billing as opposed to several . City Manager Lujan stated that this franchise agreement would be for a period of twenty five (25) and the increase would progress over a period of time. He stated that the amount would be go up to 4% then after 10 years it would increase to 5%.

Mayor Lucero opened the public hearing at 8:23pm.

Mayor Lucero called for public comments three consecutive times.

No members of the public in attendance wished to comment.

Mayor Lucero closed the public hearing at 8:23pm.

Motion by Councilor Valdez to approve Ordinance 2012-02; seconded by Councilor Ortega.

Councilor Seeds asked City Manager Lujan if everything regarding the repair of cuts in the highway was covered. City Manager Lujan replied that it would be done within 24 hours barring any interfering conditions.

Councilor Valdez cited Section 14 of the agreement regarding the length of time and expressed his agreement with the termed increase. Councilor Garcia asked if the length of the agreement was common. City Attorney Coppler replied in the affirmative.

Roll Call Vote:

Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Helen Kain-Salazar	In Favor
	Dennis Tim Salazar	In Favor
	Rosario "Chayo" Garcia	In Favor
	Greg Ortega	In Favor

Motion carried 6-0.

- 7. Ordinance No. 2012-03:** An Ordinance repealing Ordinance 2011-02, entitled "Ordinance repealing and replacing Ordinance No. 233 regulating and controlling the moving of any oversized load, house, building or part thereof into, out of, within or through the City of Espanola."

Planning and Zoning Director Naranjo explained that this ordinance was a work in progress. Planning Technician Vincent Baldonado stated that he had been working with the new ordinance and Section 2, subsection C would exempt county vehicles from this ordinance. In addition, Section 3 would allow for movement on weekends. He added that Section 4 would add the annual fee permit.

Mayor Lucero opened the public hearing at 8:30pm.

Mayor Lucero called for public comments three consecutive times.

No members of the public in attendance wished to comment.

Mayor Lucero closed the public hearing at 8:30pm.

Councilor Seeds asked about the amount of fees. Planning and Zoning Director Naranjo answered that they took the height, weight, and length of a load into account. He stated that there was a maximum of three (3) escorts per load which ensured that traffic was managed and infrastructure was maintained. Councilor Seeds asked Chief Leo Montoya if the manpower was available. Chief Montoya replied that they had been able to accommodate these escorts. Mayor Lucero stated that the escort fees had added revenue.

Motion by Councilor Valdez to approve Ordinance 2012-03; seconded by Councilor Kain-Salazar.

Roll Call Vote:

Councilors:	Robert Seeds	Not In Favor
	Pedro Valdez	In Favor
	Helen Kain-Salazar	In Favor
	Dennis Tim Salazar	In Favor
	Rosario "Chayo" Garcia	In Favor
	Greg Ortega	In Favor

Motion carried 5-1.

- 8. **Ordinance No. 2012-04:** An Ordinance entitled "Addressing vacant and abandoned structures within B1, B2, B3, ROI, HI, LI and Historical zoned properties within the Corporate Limits of the City of Espanola."

Planning and Zoning Director Naranjo stated that this ordinance was an attempt to fulfill the wishes of the council by addressing vacant and abandoned commercial, office and industrial structures within the B1, B2, B3, ROI, HI, LI, and Historical Zoned Properties. He stated that the ordinance was created with the understanding that the presence of vacant and abandoned structures within commercial zones created blight. It is recognized that blight lowered property values, led to deteriorating conditions, undermined the quality of life, affected the public health, safety and general welfare and also resulted in human injury and criminal activity.

Planning & Zoning Director Naranjo stated that it was not the intended to seek out individual residences or garages, but instead to address the areas of town along our major thoroughfares and to send a message to passersby that we are a safe community with a rich history and that the City of Espanola is open for business. He continued that while driving down these main thoroughfares, it was noticed that most buildings were easily accessed by the public and open for theft, vandalism or criminal activity and yet adjacent to many of the buildings were other businesses trying to make a go at it. He stated that oversight on the part of the City was unfair.

Planning & Zoning Director Naranjo explained that this ordinance would require such properties that have been unoccupied for a period of 90 consecutive days or longer to register the bldg with the City and pay a monthly administration fee of \$35 per month. He added that the monthly administrative fee shall be in effect for the entire time during which such structure remains

vacant. In addition, the ordinance went into detail as to exactly how a building shall be secured at all access points of entry in order to ensure that proper materials are used.

Planning & Zoning Director Naranjo finished by stating that a property owner would have the ability to waive the monthly registration fee provided that a façade be created either through paints and/or construction materials to reflect a common theme within the City of Espanola to be approved by the Planning Department.

Mayor Lucero opened the public hearing at 8:40pm.

Mr. Dennis Salazar stated that he owned an empty building in Espanola and wished to speak against the ordinance as written. He expressed his belief that the penalties fines, etc were unfair and explained that it was not as if owners had not attempted to repair their buildings. He stated that he was pleading with the Council to revisit the fines and penalties.

Mr. Leroy Rodriguez stated that he was an owner of a building on Paseo de Onate. He stated that he was against the fees and was unsure of how the fees could be assessed monthly.

Mayor Lucero closed the public hearing at 8:43pm.

Motion by Councilor Valdez to approve Ordinance 2012-04; seconded by Councilor Kain-Salazar.

Councilor Seeds stated that he did not think that adding taxes during tough times was fair. Councilor Valdez stated that he believed this ordinance should be even stricter with monies appropriated to tear them down or enforce their repair. He expressed his hope that some of the businesses and houses would start doing something to fix their properties.

Councilor Kain-Salazar asked what the facade would entail. Planning and Zoning Director Naranjo cited what Country Farm Supply had done to the buildings on the sides of it as an example. Mayor Lucero clarified that the façade would make buildings look as though they were occupied.

Councilor Garcia stated that there was a problem with abandoned buildings and it had hindered progress and monies coming into town. She asked Mr. Salazar is he had any suggestions as to what would alleviate the problem of people not wanting to move into town because of the blighted buildings. Mr. Salazar stated that he understands what the Council goes through; however, the City has a budget, whereas some citizens do not. He stated that industry and wealth must come to the area and one or two buildings would not hinder this, rather it was actually a part of the bigger picture.

Councilor Ortega expressed his large respect Mr. Salazar and Mr. Rodriguez. He stated that he had struggled with his decision as this was large issue brought to his attention by constituents. He stated that the main point of this was not to charge people, but to work with people so that the buildings would look decent. He explained that a full remodel was not required but a façade with paint and some ply board to improve the appearance.

Councilor Salazar added that this was an effort to work with people and stated that he trusted that the Planning Department would do so.

Councilor Seeds stated that the issue he had with the ordinance was the fact that people who could not afford to fix their properties would end up paying \$350 to \$400 extra per year.

Roll Call Vote:

Councilors:	Robert Seeds	Not In Favor
	Pedro Valdez	In Favor
	Helen Kain-Salazar	In Favor
	Dennis Tim Salazar	In Favor
	Rosario "Chayo" Garcia	In Favor
	Greg Ortega	In Favor

Motion carried 5-1.

H. REPORTS

9. City Manager Report

City Manager Lujan stated that he had nothing to add that had not been covered during the course of the mid-year budget review on January 10th.

I. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

10. Española Public Schools Land Sale

City Manager Lujan stated that the property had been appraised and was a 6-acre tract, west of the Carlos Vigil Middle School. He stated that the amount had come out to \$590,000, an offer which was accepted by the schools. City Manager Lujan added that they would save over \$1.5 million.

Motion by Councilor Salazar to approve the sale and the dedication of funds; seconded by Councilor Seeds.

Councilor Salazar stated that this was a positive step with the Espanola Public Schools.

Councilor Valdez stated that he would be voting against the measure because it should have gone through the finance committee. He stated that he had examined the appraisal and felt that they should be paying as much as the other 9 appraisals in the area. He added that his issue was the resolution dedicating money to the fields. He expressed his belief that Industrial Park should be for pods for industry.

Councilor Garcia stated that she believed that the approval of the resolution should be a separate issue from the land sale.

Councilor Ortega stated that they had been in discussion regarding the softball fields for many years. He stated that when those fields were destroyed, the city was compensated and nothing was done to replace them. Councilor Ortega added that the land the Española Public Schools were buying was for recreational purposes which would create opportunities for business people.

Councilor Seeds stated that this sale would compliment what the Council had planned with the City's own property. He suggested earmarking it specifically for recreation so that the already existing facilities could also be attended to.

City Manager Lujan stated that he been blasted for plastering City Hall; however, it did not matter who the elected officials were, buildings and properties required maintenance.

Mayor Lucero stated that she had discovered that 43 teams from Espanola had gone to white rock to play softball last summer and each team had paid \$40.

Motion carried 4-2, with Councilor Valdez and Councilor Garcia voting in the negative.

11. Appointment of Precinct Board and Translators

City Clerk Tessa Jo Mascareñas explained that the approval of precinct boards and translators was required by state statute. She stated that the poll workers had been selected from lists acquired from the Rio Arriba and Santa Fe County Clerks. They would all have had experience during prior elections and would live in the districts which they served.

Motion by Councilor Ortega to approve the appointment of Precinct Boards and Translators; seconded by Councilor Garcia.

Motion carried 6-0.

12. Suspension of Furloughs for City Employees from February 2012 to June 2012

City Manager Lujan stated that with the budget at its current state, he was proposing the suspension of furlough days for City Employees from February 2012 to June 2012.

Motion by Councilor Ortega to approve the suspension of furloughs; seconded by Councilor Salazar.

Motion carried 6-0.

13. Resolution 2012-02: Cooperative Agreement SP-5-11 Project Extension

Public Works Director Martinez stated that this would replace Resolution 2011-15.

Motion by Councilor Salazar to approve Resolution 2012-02; seconded by Councilor Valdez.

Motion carried 6-0.

14. Souder Miller Professional Services Contract

Public Works Director Martinez stated that this was requested for approval and required by the Environment Department in order to continue using the El Llano landfill.

Motion by Councilor Ortega to approve the Souder Miller Professional Services Contract; seconded by Councilor Salazar.

Councilor Valdez asked about Section 12 C and if there would be any additional costs. City Attorney Coppler assured him that this was only for monitoring and testing- no construction.

Motion carried 6-0.

15. East Pueblo Curb and Gutter Bid Award

Public Works Director Martinez requested the bid be awarded to Sisneros Concrete.

Motion by Councilor Ortega to approve East pueblo Curb and Gutter Award; seconded by Councilor Kain-Salazar.

Motion carried 6-0.

16. Courtroom Remodel Bid Award

City Manager Lujan stated that bids were opened on January 10th and the low bid was by Blue Sky Builders in the amount of \$321,000 which included the remodel of the courtroom and an additive of \$48,000 for the teen court.

Motion by Councilor Ortega to approve East pueblo Curb and Gutter Award; seconded by Councilor Kain-Salazar.

Councilor Seeds asked where the money for the project was coming from. City Manager Lujan stated that these were from monies with the State Investment Council.

Councilor Garcia asked when they would start and when they would finish, City Manager Lujan stated that a preconstruction conference would be held within the next week. He added that the construction would begin in approximately one month and would last 120 days.

Motion carried 6-0.

17. Request Co-Sponsorship of 1st Annual Española Car Show

Mayor Lucero stated that this request had been brought to her by a group of people who wished to market Española as the low-rider capitol of the world and would place the event on the national calendar with Lowrider magazine. She stated that it had been scheduled for August 4th and Paseo de Oñate would be closed as they would be using the Park and Ride lot and the Hunter building.

Motion by Councilor Seeds to approve the request for co-sponsorship; seconded by Councilor Salazar.

Councilor Salazar commented that Mr. Tomas Martinez was a legend when it came to low riders.

Councilor Ortega stated that this event was long overdue and there would be nothing nicer than to see some of the City's in low rider magazine.

Motion carried 6-0.

18. Consideration of Beer Garden at 1st Annual Car Show

Mayor Lucero stated that the reason for this proposal was because the event would require money, but the beer garden area would be contained. She stated that she had been informed that this was something done at other car shows. She explained that each person would get a bracelet which would be used to monitor and limit each person to a certain amount of beer.

Motion by Councilor Salazar to approve the Beer Garden at the 1st Annual Car Show; seconded by Councilor Seeds.

Councilor Ortega stated that this would have to be managed well as the last thing the City would want to showcase is a bunch of drunk people fighting.

Councilor Garcia stated that she would be voting against this because the fiesta council had gone without the beer garden and it was a greater success. In addition, they would need to borrow a liquor license and have bartenders with liquor certificates.

Councilor Kain-Salazar agreed with Councilor Garcia and stated that it would be a better function without the beer.

Councilor Ortega suggested tabling this item pending the submission of a plan.

Motion by Councilor Seeds to table the measure until the next meeting of the Governing Body; seconded by Councilor Ortega.

J. 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.

There was no need for an Executive Session.

K. ANNOUNCEMENTS

City Manager Lujan stated that he had been following up on the request for gateway signs into town. He stated that he had looked at wood which he found deteriorated quickly. He stated that he had discovered a contractor in Santa Fe that created something in metal and he would be looking into placing a block wall behind it. He explained that these would be placed in all entrances to the city.

Mayor Lucero commended City Manager Lujan on finding a cost effective solution.

L. ADJOURNMENT

Motion by Councilor Ortega to adjourn; seconded by Councilor Garcia.

Meeting adjourned at 9:37pm.

Minutes were taken and transcribed by Tessa Jo Mascareñas, City Clerk.

APPROVED AND ADOPTED THIS 28th DAY OF February, 2012.



Tessa Jo Mascareñas
Tessa Jo Mascareñas, City Clerk

Alice A. Lucero
Alice A. Lucero, Mayor