



**CITY COUNCIL MEETING**  
TUESDAY, MAY 24, 2011 5:30PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. EXECUTIVE SESSION (5:30-6:00PM)**

PURSUANT TO NEW MEXICO OPEN MEETINGS ACT SECTION 10-15-1 (H) SUBSECTION (8)  
DISCUSSION OF THE ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE  
PUBLIC BODY.

*Executive Session was cancelled.*

**B. CALL TO ORDER**

Mayor Lucero called the meeting to order at approximately 5:36pm with the following in attendance:

Mayor: Alice A. Lucero  
Mayor Pro-Tem: Cecilia Lujan  
Councilors: Cory Lewis  
Greg Ortega  
Rosario "Chayo" Garcia  
Dennis Tim Salazar  
Pedro Valdez

**C. PLEDGE OF ALLEGIANCE**

Councilor Dennis Tim Salazar led the pledge of allegiance.

**D. MOMENT OF MEDITATION/ INVOCATION**

Mayor Lucero led the moment of meditation/invocation.

**E. ROLL CALL/ DETERMINATION OF QUORUM**

A quorum was determined.

**F. APPROVAL OF AGENDA**

Mayor Lucero yielded to Attorney Frank Coppler. Mr. Coppler stated that he had been involved in 4-5 conversations regarding the proposed meeting with the Española School Board. He stated that, in summary, the proposed MOU prepared at an earlier meeting had been returned to the Española School Board. Mr. Coppler stated that Councilor Seeds had requested a portion be added requesting exclusive rights to use the land. Mr. Coppler stated that he had a conversation with the Attorney for the Española School Board and the consensus was that the two councils be brought together. However, he stated that he had received a call at 4pm that afternoon from the School Board Attorney. He was informed that the Española School Board had a counter

proposal. Mr. Coppler said he had not yet seen the counter-proposal and the attorney for the Española School Board stated that it had not yet been discussed amongst all interested parties and therefore, would be unavailable for discussion until June. She suggested that the meeting be cancelled.

Mayor Lucero stated that this item could be discussed at the June Work Session or at the Regular meeting.

City Manager Lujan requested the removal of item N-15. He stated that since this item had been approved by the Public Works Committee, he had received an email from Mr. Miller of Santa Fe County stating that Agua Sana had asked to be removed from the MOU.

Mayor Lucero asked to remove items 1 and 2 under the "Matters from the Mayor" section.

City Manager Lujan asked to move item 7 up in the agenda because Armando Armendariz was present. Mayor Lucero stated that this could be discussed during "Councilor Comments".

***Motion made by Councilor Valdez moved to approve the agenda as amended; seconded by Mayor Pro-Tem Cecilia Lujan.***

***Motion carried 6-0.***

#### **G. PUBLIC COMMENTS**

Mr. Sean Ricks spoke on behalf of Vivint Inc. He stated that he had been in contact with Mr. Coppler and complimented the work of Mr. Coppler. He declared that his company would like to do business within Española; however, an ordinance was in place that prohibited them from engaging in business. He asserted that they were the largest home security provider in North America and had recently begun offering home automation equipment. He stated that his company solicits most of its business through door-to-door sales. He stated that Vivint provided service to over 500,000 homes and one specific piece of equipment offered is a keypad that serves as the base of the system and does not connect to a phone line. He stated that it also had the capability for home automation with smart thermostats. In addition, owners had the ability to disarm the system and unlock doors remotely. Mr. Ricks stated that the specific ordinance which posed a problem was 532-7 Invitation to private residences required and he had sent a letter dated April 5 with regards to the ordinance. Mr. Ricks expressed the feeling that the ordinance was too restrictive and asserted that Federal and State courts have found these ordinances to be too descriptive. He added that he had worked with Geno Zamora from Santa Fe County to rescind the same type of ordinance and create a licensing process. Mr. Ricks stated that the City of Ft. Collins in Colorado had recently been sued because of the same type of ordinance and a caveat of the settlement was the amendment of the ordinance.

Mr. Ricks stated that he was requesting the amendment of the ordinance and stated that members of the public would have the option of putting up "no soliciting" signs. He added that Vivint Inc. hoped to avoid filing a lawsuit and would like a good relationship with the city. Mayor Lucero thanked Mr. Ricks for his comments and stated that the City Council could consider this at a later time upon the advice of the attorney.

Councilor Valdez asked if the Planning & Zoning Commission could consider this issue. Mayor Lucero stated that this Ordinance would fall under the scope of the Public Safety committee.

Mr. Coppler said that with the Mayor's permission, he would speak to Mr. Ricks and out him in contact with City Manager Lujan to make a presentation to the public safety committee.

Ms. Yvonne Trujillo from Relay for Life American Cancer Society stated that she was inviting the City Council, Mayor Lucero, and Attorney Frank Coppler to do the walk on June 11 at 5pm. Support survivors and those who have passed. Dance was a successful event. She will be sending invitations.

Mayor encouraged everyone to attend. It will be at the Espanola football field. It is a 10 hour event. There is a \$10 entry fee. There will be food and entertainment. Thanked Mayor for her time.

## H. COUNCILOR COMMENTS

Councilor Valdez stated that there would be a meeting at the Convento with the Department of Transportation regarding medians the following day. City Manager clarified that it would take place in the Council Chambers from 1-3pm. City Manager Lujan stated that there cannot be a quorum as it was not advertised and indicated that he had spoken with Councilors Seeds, Valdez, and Lewis who all planned on attending. Mayor Lucero added that she would be there as well.

Mayor Lucero requested that Community Services Director Len Cata provide a report on Senior Center activities. Mr. Cata stated that there would be a Mother's Day Dinner and Public Bingo on May 25, 2011. Bingo would commence at 1pm with Dinner following at 3pm.

Mayor Lucero commented that she had attended the Graduation ceremonies at Northern New Mexico College. She congratulated all of the graduates and recognized City of Española Streets Department Employee Elijah Mares on the completion of his Associate of Arts degree.

Mayor Lucero yielded the floor Armando Armendariz for a presentation on the Oñate Main Street study. Mr. Armendariz thanked the council for allowing him to present. He handed out preliminary renderings to the council and introduced his colleague, Mr. Phil Gallegos. Mr. Armendariz stated that the 1<sup>st</sup> Public Hearing had already been conducted. From the commentary at that meeting some renderings had been created. He stated that the Department of Transportation was planning on holding the 2<sup>nd</sup> Public Hearing soon and he would make sure the Governing Body was updated prior to that meeting. He expressed the intent of this project as focused on the alignment with no aesthetic treatment.

Mr. Armendariz explained that the Segment A Option showed the plaza side. He clarified that the pink lines on the rendering were proposed changes. He added that the aerial view showed the current configuration. He stated that US Highway 84/285 was directed more in line with NM 30. He stated he had learned, from public comment, that trucks were going through the business district and they hoped to redirect the majority of traffic that did not wish to go through the main area.

Councilor Valdez asked if there were any renderings indicating changes where traffic would go through North Railroad Avenue. Mr. Armendariz informed him that it was on page 2.

He explained that the roundabout version was in the concept stage.

Mr. Armendariz called attention to Segment A of the last rendering which showed the plaza realigned to descend by Hunter Street and Calle Espinoza. He stated that this version would clean up the intersection of Onate and US Highway 84/285.

Councilor Ortega asked what Mr. Armendariz experience had been with roundabouts. Mr. Armendariz answered that there had been talk that the roundabouts were not pedestrian-friendly. He added that roundabouts tended to take up a lot of land, but assured the Governing Body that if this was the option chosen, DOT would ensure the roundabout could accommodate trucks and would function as a two lane. There would be no maintenance as with traffic lights.

Mr. Armendariz stated that 3 roundabouts had been placed on State Road 84/285 near Taos adding that this route had about the same amount of truck traffic. He stated that DOT has not received any major positive or negative comments.

He explained that Segment B was the bridge which was aged upwards of 70 yrs old. He stated that bridges of this type were not supposed to be in use that long and although it would not fall down, it was in need of repairs.

Mayor Lucero asked about plans for upgrade or replacement. Mr. Armendariz replied that the study would uncover some of those facts and the ultimate decision would depend on the feeling of the community. He added that the responsibility and supervision of this would later be transferred to the City of Española. He stated that the bridge could be turned into a pedestrian bridge which would require the movement of the alignment.

Mr. Armendariz called attention to Option 3 stating that under that rendering, the bridge would be a curve structure. However, Calle Salazar would be turned into a dead end.

There would be some issues with residents getting to their homes but they may be able to use Onate.

He unveiled the final option under which Paseo de Oñate would be kept on its existing alignment, terminating at the old Hunter Ford.

Mr. Armendariz explained that Option 4 would provide a much closer roadway toward the river thereby allowing a greater area of possible development for the Pueblo of Santa Clara. Walking trails had been suggested with this option.

Councilor Garcia asked when the public hearings would be held. She stated that if streets were closed in that area, it would kill the businesses. She expressed the desire of the Governing Body to revitalize business and added that she would like to contact the businesses in the area to inform them of the meeting as well. Mr. Armendariz assured her that he would send out a personal invite and there would be an advertisement for 2 weeks in the Santa Fe New Mexican and the Rio Grande Sun. Mr. Armendariz stated that it would take place at the Convento and thanked Mr. Andrew Herrera for assisting with the scheduling of the space. He added that he would like to conduct the meeting on a Tuesday or Thursday within the next month and promised he would make sure it was not planned for the same day as a City Council meeting.

Councilor Valdez declared that he was not aware of what the Department of Transportation was thinking; however, they were not thinking of safety and business. He stated that he would be attending the meetings as he felt they were being critical.

Mayor Lucero expressed her concern regarding the possible restriction of Paseo de Oñate to pedestrian traffic only. She stated that was never the intent rather, they had wanted it to be pedestrian-friendly. There are several businesses there and closure to automobiles would kill the businesses. She stated that she would attend the public meeting and encouraged all councilors to attend. She stated that notice could be posted of a possible quorum.

Mr. Phil Gallegos stated upon close review, there are some crazy ideas; however, every option must be examined. He asked the Governing Body to keep in mind that the goal of DOT was not to close roads.

## **I. MATTERS FROM THE MAYOR**

### **1. REPORT ON PRC HEARING WITH THE NM GAS COMPANY**

Mayor Lucero stated that the PRC held a 3-day hearing regarding the Winter Gas Outage. However, an order from the commission had not yet been issued. Following the hearing, the attorneys for all parties were asked to submit a brief. The attorneys are awaiting the transcripts of the hearing. Once they are completed, the PRC will issue an order for briefs from all people providing testimony. Mayor Lucero was unsure whether the decision will be given to the public.

## **J. PUBLIC HEARINGS**

### **2. ORDINANCE 2011-03: ESTABLISHING THE CITY OF ESPAÑOLA SOCIAL HOST ORDINANCE**

Mayor Lucero stated that she had introduced this ordinance at the last City Council meeting. She explained that restrictions were already defined by statute dictating the liability. She expressed her intention to inform the public of these issues. She explained that some people may not be aware that it is a felony offense for minors 18-20 years of age to dispense alcohol to other minors. She stated that the purpose of the ordinance was to protect public health, safety and welfare. In addition, these provisions would reduce the cost of providing police and fire by imposing a civil fee to social hosts and landowners. She stated that considering that this is graduation time, she felt it was appropriate.

She elaborated that the penalty for the first offense would be a warning. If police received a call to the location within the following 12 months, they would be required to reimburse the City for associated costs. The Police Department would provide a list of costs. Mayor Lucero opened the hearing for public comment.

No replies. Mayor Lucero asked several times if there was anyone who would like to speak on this issue. She stated that hearing no commentary in favor of or against, the public hearing was adjourned.

Councilor Valdez asked if there would be any employees hired to oversee the provisions of this ordinance. Mayor Lucero answered that it would be enforced by the Police Department and City Clerk.

Councilor Greg Ortega stated he felt that it was a good ordinance and long overdue. He asked for clarification of the definitions of excessive noise or loudness and how it would be determined. Mayor Lucero said that it would correspond with the nuisance ordinance on the books.

Councilor Garcia asked if this ordinance would address commercial properties with a liquor license. Mayor Lucero stated that businesses have other laws to follow. Mayor Lucero stated that this Ordinance would apply to homeowners. Councilor Garcia stated that it did not clearly state that fact. She expressed the fact the portion regarding noise bothered her.

Councilor Garcia stated that Anthony's at the Delta is a reputable establishment, but they already have nuisance reports on the books. She asked City Attorney Frank Coppler, if because this issue could affect her personally, she should recuse herself. Mr. Coppler stated that as it was only directed to private or non-licensed individuals who are serving underage people at their private residence. Councilor Garcia called attention to the fact that page one (1) mentioned residential and commercial property. Mayor Lucero explained that was geared to cases where an individual was renting a property. Councilor Garcia said that when people rent the place she informs them that they are liable as much as the owner. Mayor Lucero said that this ordinance would also target properties renting space where alcohol is served.

Mr. Coppler suggested looking at this initiative more thoroughly. He stated that this would confer civil liability on the part of persons who are serving underage. Councilor Garcia declared that this was already state statute and precedent had been set that week in a case where an individual had purchased alcohol for a minor, the purchaser and establishment were sued. Mr. Coppler stated he felt it important to mention that the municipal court only had jurisdiction over criminal cases. He stated that an issue could be whether this ordinance would carry a criminal penalty. In addition, Mr. Coppler stated that there was no language to give a police officer the authority to issue a ticket. Mayor Lucero stated that a template had been followed in the creation of this ordinance. The provisions were equivalent to those adopted by other municipalities.

Councilor Ortega asked if the assignment of a criminal offense would be covered under the nuisance ordinance. Mayor Lucero stated that it did not expressly address the alcohol issue.

Councilor Salazar expressed his approval of the concept of this ordinance and stated he felt it required some fine-tuning and clarification.

***Motion made by Councilor Ortega to table this ordinance until the next meeting pending changes to the ordinance being made by legal counsel; Seconded by Mayor Pro-Tem Lujan.***

***Motion Carried 6-0.***

3. ORDINANCE 2011-02: REPEALING AND REPLACING ORDINANCE 233, REGULATING AND CONTROLLING THE MOVING OF ANY OVERSIZE LOAD, HOUSE, BUILDING, OR PART THEREOF INTO, OUT OF, WITHIN OR THROUGH THE CITY OF ESPAÑOLA.

Mayor Lucero stated that Building Inspector Joe Duran would present this Ordinance on behalf of Russell Naranjo who had surgery that morning. She stated that he would be returning to work the following week.

Mr. Duran displayed a stack of permits issued through 2010 and a stack issued through 2011. He stated that the original ordinance was enacted around 1976. He stated that it had needed work and was coordinated with the Department of Transportation and the Highway Department. Mr. Duran added that Chief Montoya was instrumental in the development as he had better coordinated the regulation of traffic through Española. The Department of Transportation would no longer issue a permit for weight, height, and width without receiving a permit from the City of Española. He added that only six (6) had state roads going directly through them and Española was one of the main ones.

Mayor Lucero opened the hearing and asked if there was anyone who wished to comment. She requested comments once again. With no one commenting, she closed the public hearing and opened the floor for comment from council members.

Councilor Ortega commended Planning & Zoning. Said there was a lot of hardwork put into it.

Councilor Garcia asked for further clarification of the ordinance. She elucidated that this ordinance would not stop people from moving, it would simply be to coordinate the time when the oversized loads were moved. Mr. Duran concurred that it would be better regulated.

Mr. Coppler asked Mr. Duran to refresh his memory as to whether this would apply to oversize loads going through the City of Española and not getting off the state highway. Mr. Duran said it would include in, out, and through. Mr. Coppler provided an example of taking a mobile home from SF to Chama only on a state road and asked if a permit would be required. Mr. Duran stated that it would be.

Councilor Garcia asked the difference between the previous ordinance and the proposed ordinance. Mr. Duran replied that it included the regulations from the Department of Transportation with regard to weight, height, and width.

City Manager Lujan added that the older ordinance was enacted when there was only the Oñate bridge being used.

Mayor Pro-Tem Lujan asked about the issuance of moving permits for weekends. Mr. Duran stated that law enforcement would stop them. Councilor Valdez asked if anyone would send the info out to businesses. Mr. Duran reassured him that the department had worked diligently with most companies.

***Councilor Valdez made a motion to approve the ordinance; seconded by Councilor Lewis.***

Roll Call Vote:

Mayor Pro-Tem: Cecilia Lujan- Yes  
Councilors: Cory Lewis- Yes  
Greg Ortega- Yes  
Rosario "Chayo" Garcia- Yes  
Dennis Tim Salazar- Yes  
Pedro Valdez- Yes

***Motion Carried 6-0.***

4. REQUEST FOR ZONING AMENDMENT, MR. PABLO R. MARTINEZ, APPLICANT, IS REQUESTING A ZONING AMENDMENT OF APPROXIMATELY 1.196 ACRES LOCATED AT 2216 N. RIVERSIDE DRIVE FROM AN EXISTING B-2, GENERAL COMMERCIAL ZONING CLASSIFICATION TO R-1, RURAL RESIDENTIAL DISTRICT.

Mr. Duran stated that this zoning amendment had gone through committee and had been recommended for approval. He gave a brief summary of the amendment and stated that the area has now given itself to residential districts. However, Mr. Duran explained, this request was received because the owner would like to mortgage his property. He pointed out the fact that financial institutions would not issue residential mortgages for commercial property. He stated that, in the future, many requests of this type and for this area would be presented.

Mayor Lucero opened public hearing. She asked if Mr. Martinez, the requestor, was present and wish to speak on the issue. Mr. Martinez was not in attendance. Mayor Lucero asked if there were any other individuals who would like to speak regarding this re-zone request. With no one from public volunteering to speak, Mayor Lucero closed the public hearing.

Councilor Valdez stated that he was in favor of keeping 300 ft. of commercial property from the roadway. He stated that he had reviewed everything and there had been no enforcement of the 300 ft. requirement. Councilor Valdez asserted that if the approval of these re-zone amendments continued, there would only be houses in the City of Española rather than businesses. Mr. Duran stated there was 600 ft. within the B-2 Classification. He added that this residence was not new and had been there prior to 1976 when the zoning classification was established and by not approving this, there was a chance that citizens would not be able to locate the correct mortgages for their homes.

Councilor Valdez stated that he would not like to place people in a position where they would be unable to sell their property; however, the council must balance the interest of business and residential. Mr. Duran stated that a classification, such as an R-O-I, would allow residential as well as commercial use.

City Manager Lujan stated that this was the only residence that would be changing to a residential zoning. Neighboring properties to the north and south would remain Commercial property.

***Motion made by Councilor Ortega to approve the request; seconded by Councilor Dennis Tim Salazar.***

Councilor Valdez asked if this request needed five (5) votes to pass. Mr. Coppler indicated that there did have to be a majority of all members of council voting in favor.

***Motion carried 5-1, with Councilor Valdez voting in the negative.***

5. REQUEST FOR ZONING AMENDMENT, MS. ANGELICA SERRANO, REPRESENTATIVE OF GERALD L. MARTINEZ TRUST, IS REQUESTING A ZONING AMENDMENT OF APPROXIMATELY 3.26 ACRES LOCATED AT 827 N. RAILROAD AVENUE, FROM AN EXISTING R-6, URBAN RESIDENTIAL ZONING CLASSIFICATION TO R-O-I, RESIDENTIAL, OFFICE, INSTITUTIONAL DISTRICT.

Mr. Duran stated that this request was reviewed and approved by both the GRT Committee and the Planning and Zoning Commission. He stated that the property was located to the west of Marty's Meadows. He communicated that the recommendation was based on future land-use plans and that it had been the City of Española's contention to have this in effect when Railroad Avenue was created; however, this had never taken place. He added that, in the future, City of Española staff intended to re-zone the area.

Mayor Lucero opened the public hearing and asked if anyone present would like to comment. She directly addressed the daughter of Mr. Gerald Martinez, whom she recognized. Ms. Angelica Serrano stated that they were interested in placing a coffeehouse or small bookstore at the location, but based on the current zoning they were unable to. She added that they do live on-site as well. She expressed her belief that the proximity to the college was excellent for business.

Mayor Lucero asked if there was anyone else who would like to comment. Seeing none, the public hearing was closed.

***Motion made by Mayor Pro-Tem Lujan to approve request; seconded by Dennis Tim Salazar.***

Councilor Garcia articulated her excitement because of the location. She added that this could bring in GRTs and students. She congratulated Ms. Serrano. Councilor Valdez declared that this was one of the reasons that Railroad Ave. had been opened. Mayor Pro-Tem Lujan added that she believed Mr. Gerald Martinez would be a happy man and very proud of the efforts of his daughters.

***Motion carried 6-0.***

6. APPLICATION FOR ISSUANCE OF NEW LIQUOR LICENSE (RESTAURANT- BEER AND WINE) FROM NORTHERN FOODS, LLC D/B/A LOS ARCOS RESTAURANT, WHOSE ADDRESS AND LOCATION IS 819 N. RIVERSIDE DRIVE, ESPAÑOLA, NM 87532.

Mayor Lucero opened the public hearing and requested comment from any members of the community who wished to speak on this issue. Councilor Garcia stated that she had been asked by the owners of the business to speak for them. Mayor Lucero asked Mr. Coppler if Councilor Garcia could do this as a member of the public. Councilor Garcia stated that she would refrain from voting as she was a business owner.

Councilor Valdez declared that there may be an issue if Councilor Garcia could not vote, as he would be voting in the negative.

Mayor Pro-Tem Lujan exited at 7:07pm.

Mr. Coppler stated that because this measure was not a resolution or ordinance, approval by a majority of all members present would suffice.

Councilor Garcia stated that the owners had experienced a death in their family. She explained that they had originally had a full liquor license and were requesting only a license allowing beer and wine. She added that the restaurant limited patrons to two (2) drinks maximum and had not had any violations with their previous liquor license.

Mayor Lucero asked if there were any members of the public in attendance who would like to comment. She asked once again. Seeing none, the public hearing was closed.

***Motion made by Councilor Dennis Tim Salazar to approve the issuance of the liquor license; seconded by council Greg Ortega.***

Councilor Valdez explained that he would be voting against the measure in the interest of safety and health. Councilor Garcia stated her intention to abstain from voting.

Mayor Pro-Tem Lujan re-entered at 7:09pm.

***Motion carried by a vote of 4-1-1, with Councilor Valdez voting in the negative and Councilor Garcia abstaining.***

#### **K. BUSINESS WITH VISITORS**

7. PRESENTATION BY ARMANDO ARMENDARIZ FROM THE DEPARTMENT OF TRANSPORTATION REGARDING OÑATE MAINSTREET STUDY
8. PRESENTATION OF NATIONAL COMPETITION SPEECH BY NEW MEXICO'S YOUTH OF THE YEAR AND CHIMAYO-NATIVE MARISSA MARTINEZ

Mayor Lucero thanked Ms. Martinez for her patience. Ms. Martinez presented her speech.

Mayor Lucero stated that the speech had inspired and touched her heart. Councilor Ortega echoed what the Mayor said and stated that young people, such as Ms. Martinez, represent the Valley in positive ways. He complimented Ms. Gwen Orona and Mr. Don Christie from the Boys & Girls Club on their influence.

Councilor Garcia declared that Ms. Martinez' late-mother was proud of her. Councilor Salazar declared that the speech was excellent and told Ms. Martinez. He indicated that his son had been involved with the Club and, as a result, he had seen firsthand the positive effect. Mayor Pro-Tem advised Ms. Martinez to continue on her path and to hang on to her mother's memories. Councilor Lewis commended Ms. Martinez on her speech and stated that it had it touched his heart. Mayor Lucero thanked the Boys & Girls Club for creating a wonderful role model. Ms. Martinez thanked the council for the opportunity to present her speech and promised to represent the Española Valley to the best of her ability.

#### **L. CONSENT AGENDA**

9. APPROVAL OF MINUTES
  - a. JUNE 29, 2010 CITY COUNCIL MEETING MINUTES
  - b. APRIL 11, 2011 FINANCE BOARD MEETING/CITY COUNCIL WORKSHOP MINUTES
  - c. APRIL 12, 2011 FINANCE BOARD MEETING MINUTES
  - d. APRIL 26, 2011 CITY COUNCIL MEETING MINUTES

***Motion made by Councilor Valdez to approve the consent agenda; seconded by Councilor Ortega.***

Councilor Ortega asked why the minutes from the June 2010 City Council Meeting were included. Mayor Lucero stated that these minutes had slipped through and thanked Ms. Whitney Jones from the Rio Grande Sun for discovering the discrepancy. She stated that minutes had never been approved and, as far as she was aware, it was an inadvertent mistake made by the prior City Clerk.

Mayor Lucero thanked the City Clerk's office for submitting the minutes on a timely basis.

***Motion carried 6-0.***

**M. REPORTS**

**10. COUNCIL COMMITTEES (PUBLIC SAFETY, PUBLIC WORKS, COMMUNITY SERVICES, FINANCE)**

Mayor Pro-Tem Lujan reminded the business owners of the next meeting on June 6, 2011 at 3:30pm. She indicated that she had sent an email to business owners.

Councilor Salazar stated that the next meeting was scheduled for Monday, June 13, 2011. He yielded the floor to Mr. Len Cata for comment. Mr. Cata stated that there had not been a meeting the last month but a brief update had been sent out to all councilors regarding the activities of the staff. He stated that they were hiring seasonal employees and requested that anyone interested should be referred. He asserted that the Ranchitos pool would open on May 28<sup>th</sup>, if the weather permitted.

**11. COUNCIL APPOINTED LIAISON (NCSWA, NCRTD, E911, HANDS ACROSS CULTURES, FIESTA COUNCIL, REGIONAL DEVELOPMENT CORPORATION)**

Councilor Valdez stated that he had placed a preliminary budget for the North Central Solid Waste Authority in each councilor's mailbox. He stated that they had voted on the employment of a manager. He stated that the selected applicant still had to be interviewed regarding whether he would accept the position. City Manager Lujan stated that the selected candidate was Mr. Gino Romero. City Manager Lujan added that a fuel surcharge increase would go into effect during the next billing cycle- garbage bills were currently \$14.49 and it would increase by \$0.47, totaling \$14.96. Councilor Valdez stated it was not a permanent increase and would go back down when the cost of gas decreased. Councilor Ortega asked if this \$0.47 increase was in addition to the \$4.00 increase that had been discussed previously. City Manager Lujan stated that it was not.

No report for E911.

Councilor Ortega stated that the Hands Across Cultures Board would meet Thursday, May 26, 2011.

Councilor Garcia stated that she submitted a schedule of events to the Governing Body. There was a fundraiser planned for the midnight showing of the Hangover 2 at the Dreamcatcher theater at a cost of \$15.00 per person. She added that there would be music and entertainment from 10pm-midnight followed by the movie. In addition, there would be food at the event.

Councilor Garcia stated that the dubbing would take place on June 26, 2011. She announced that the Reina was Candace Vigil and Juan de Oñate was Tomas Garcia from KDCE. Mayor Lucero declared that the previous year's fiestas were amazing and thanked Councilor Garcia for her time and effort.

## 12. CITY MANAGER (FINANCE REPORT AND STAFF REPORTS)

City Manager Lujan introduced Ms. Joyce Sandoval as the interim finance director. He stated that it was her second week in the position. He reassured the Governing Body that a Finance Director has been in place since the last one resigned. He stated that he was working on the new job description and would like to hire by July 1, 2011.

Ms. Sandoval stated that the current state of revenue for April was roughly \$700,000. The amount of \$1,044,729 had been projected. There was a current year-to-date deficit of \$662,437. However, they would still expect revenue for May and June. She added that the general operating purchase requisition process had been restricted to only essential items. Ms. Sandoval stated that she anticipated the deficit to decrease but not disappear. She reminded the Council that during the last budgetary session, \$626,000 was to be pulled from prior year cash and investments. She stated that the amount was not reflected in the cumulative number of revenues.

Mayor Lucero stated that the Finance Department usually cuts spending by mid-May. Ms. Sandoval answered that it had been done that week. Mayor Lucero asked if that was the reason for such high expenditures indicated on the report. Ms. Sandoval stated that the large expenditures were payment for the second half of the year for Workers Compensation and the costs for the third payroll during that month. Ms. Sandoval stated that enterprise funds were still doing well and remained stable.

City Manager Lujan stated that, as requested, there were updates on the wastewater treatment plant. He stated that they had removed 300 cubic yards of bio-salts. He informed the Council that the brown bear was being used on a daily basis to remove sludge and Mr. Marvin Martinez had assured him that they were working to get the a class-A classification. Mayor Pro-Tem Lujan asked James to forward the information to Mr. Joe Montoya.

City Manager Lujan stated that Mr. Marvin Martinez had been working nights in the last week to complete his work. He stated that the Los Alamos National Laboratory would be conducting a public hearing at the Santa Claran Hotel from 5pm to 9pm regarding their new Chemistry Metallurgy Research Replacement Building. Councilor Ortega commented that there was an effort to stop the project and a federal judge had dismissed the case yesterday. He projected that this initiative would create jobs and opportunities for Northern New Mexico.

City Manager Lujan stated that the commencement of the 2009-2010 Audit was scheduled for May 31.

## N. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

### 13. CONTRACT WITH THE UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION TO LEASE THE USE OF SAN JUAN-CHAMA PROJECT WATER

Mr. Marvin Martinez stated that the United States of America Department of the Interior Bureau of Reclamation would be leasing 900 acres at \$42,300. Mayor Lucero asked if this was water that is not being used. Councilor Valdez stated that this water would be wasted in the month of April if the government did not use it for the silvery minnow.

*Motion made by Councilor Valdez to approve the contract; seconded by Councilor Lewis.*

*Motion carried 6-0.*

### 14. CONSIDERATION OF RFP FOR INDEPENDENT PUBLIC ACCOUNTANT FOR 2011 AUDIT

Councilor Garcia exited at 7:41pm.

City Manager Lujan stated that Harshwal and Company had been selected. He informed the Governing Body that this was a San Diego firm with offices in Santa Fe and Albuquerque. This firm was on the current state auditors list. Mayor Lucero commented that the bid was considerably lower than the other.

*Motion by Mayor Pro-Tem Lujan; seconded by Councilor Valdez.*

City Manager Lujan clarified that this was for the 2011 Audit.

*Motion carried 5-0.*

### 15. MEMORANDUM OF UNDERSTANDING WITH THE TAXATION AND REVENUE DEPARTMENT FOR THE PURPOSE OF PROVIDING THE USER ACCESS TO THE NEW MEXICO INTERACTIVE ONLINE SERVICES (DRIVER HISTORY RECORDS, MOTOR VEHICLE RECORDS AND/OR DRIVER MONITORING) TO PROVIDE INFORMATION TO COMPLEMENT THE IDENTIFICATION OF INDIVIDUALS OR VEHICLES PERTAINING TO OFFICIAL BUSINESS DUTIES.

City Clerk Tessa Jo Mascareñas presented this MOU and explained that the utilization of the Motor Vehicle Department had been approved through the Public Safety committee; however, the Department of Motor Vehicles required a signed agreement.

Councilor Ortega stated that he was in favor of this as it would increase the security of the community.

Councilor Garcia re-entered at 7:45pm.

*Motion by Councilor Valdez to approve Memorandum of Understanding; seconded by Councilor Ortega.*

*Motion carried 6-0.*

16. RESOLUTION 2011-06: PRELIMINARY BUDGET ADOPTION

Mayor Lucero stated that a resolution has to be included with the budget that is submitted to DFA. Councilor Salazar asked if the administration of furloughs had been finalized. City Manager Lujan assured Councilor Salazar that he had conducted a staff meeting and it was decided that each department will determine how they will handle furloughs based upon department need. He declared that services would continue and there would not be a total shutdown. He stated that he would present the final determinations to Council.

Councilor Lewis stated that he was concerned about the Union reaction and asked if there would still be a closure of the Detention Center. City Manager Lujan stated that the Governing Body had voted to close the Detention Center; therefore, that would be carried out. He added that to date, no one had been displaced. He informed the Governing Body that Chief Montoya had requested a letter of interest from all Detention center employees wishing to transfer to police officer positions. Councilor Lewis asked if people would be without jobs. Mayor Lucero added that all union contracts are subject to budget availability.

*Motion by Council Valdez to approve Resolution 2011-06; seconded by Councilor Ortega and Mayor Pro-Tem Lujan.*

*Motion carried 6-0.*

**O. ANNOUNCEMENTS**

17. PET SENSE RIBBON CUTTING SCHEDULED FOR MAY 28, 2011.

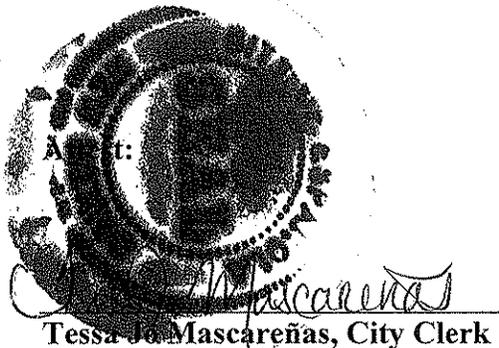
Councilor Lewis stating that he was unsure of the time of the event, but stated that he inform the Council. Councilor Salazar commended Councilor Lewis for coordinating the event. Mayor Lucero stated that she had been to this business and found it nice, clean with moderate pricing. Councilor Valdez called attention to another new business on Mainstreet. Mayor Lucero stated that it was called the Mainstreet Market.

**P. ADJOURNMENT**

*Motion by Councilor Valdez to adjourn the meeting; seconded by Mayor Pro-Tem Lujan.*

*Motion carried 6-0.*

*Meeting adjourned at approximately 7:54pm.*



A handwritten signature in cursive, which appears to be "Alice A. Lucero". Below the signature, the name "Alice A. Lucero, Mayor" is printed in a standard font.