

CITY COUNCIL MEETING
TUESDAY JANUARY 25, 2011 6:00 PM
COUNCIL CHAMBERS AT CITY HALL
405 N. PASEO DE OÑATE ESPAÑOLA, NM

CALL TO ORDER

The Meeting was called to order at 6:01pm with the following in attendance:

Mayor: Alice A. Lucero

Mayor Pro Tem: Cecilia Lujan

Councilors: Rosario "Chayo" Garcia
Cory Lewis (Absent)
Greg Ortega
Helen Kain-Salazar
Dennis Tim Salazar
Robert Seeds (Absent)
Pedro Valdez

City Manager: James V. Lujan

City Attorney: Frank Coppler

Staff: Len Cata, Community Services Director; Joe Martinez, Chief of Police; Russell Naranjo, Planning and Zoning Director; Ron Archuleta, Finance Department, Joyce Sandoval, Finance Department; Jessica Martinez, City Clerk's Office; Armando Rodriquez, City Clerk's Office; Anthony Trujillo, Streets Department; Elijah Mares, Streets Department; Johnny Padilla, Streets Department; Ron Padilla, Fire Department

PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

MOMENT OF MEDITATION/ INVOCATION

Councilor Kain-Salazar led the Moment of Meditation/Invocation

ROLL CALL/ DETERMINATION OF QUORUM

Roll call vote determined a quorum was present. Councilor Lewis and Councilor Seeds were absent.

APPROVAL OF AGENDA

Mayor Lucero presented agenda for approval. Mayor Lucero asked that Executive Session be moved to after Approval of Agenda.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. MOMENT OF MEDITATION/ INVOCATION
- D. ROLL CALL/ DETERMINATION OF QUORUM
- E. APPROVAL OF AGENDA
- F. PUBLIC COMMENTS
- G. COUNCILOR COMMENTS
- H. MATTERS FROM THE MAYOR
- I. Employee of the Month Award-Elijah Mares and Johnny Padilla

2. Official announcement regarding Hunter Property
3. Appointment to the Planning and Zoning Commission
4. Appointment of Police Chief
5. Appointment of Interim City Clerk
- I. **PUBLIC HEARING(S)**
 - a. **ORDINANCE NO. 2011-01- AN ORDINANCE AMENDING CITY OF ESPAÑOLA ORDINANCE NUMBER 386; PROVIDING THAT THE PURPOSE FOR WHICH THE MUNICIPAL LOCAL OPTION GROSS RECEIPTS TAX IMPOSED BY ORDINANCE NUMBER 386 INCLUDE CAPITAL OUTLAY PROJECTS; PROVIDING FOR AN EFFECTIVE DATE**
- J. **BUSINESS WITH VISITORS**
 6. Presentation from Officer Jack Casias and introduction of new K9
 7. Presentation from Superintendent Janette Archuleta regarding General Obligation SB9 Bond
 8. Presentation from David Maestas regarding savings on phone services and review of proposal for Jemez Electric Coop services
 9. Presentation from Earl Wright, Chairman of Planning and Zoning Commission
- K. **DISCUSSION/ACTION ITEM(S)**
 10. Review and consideration of Corporations of America Contract as recommended by Public Safety Committee
 11. Review and consideration of Fairview Road Exchange Agreement as recommended by Public Works Committee; (*Phil Gallegos Assistant District 5 Engineer will be present to answer any questions*)
- L. **REPORTS**
 12. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
 13. **Council Appointed Liaison** (NCSWA, NCRD, E911, Youth Advisory, Hands Across Cultures, Fiesta Council, Regional Development Corporation)
 14. **City Manager and Staff Reports**
 15. **Finance Report**
- M. **CONSENT AGENDA**
 16. Approval of Minutes: December 10, 2010 Special City Council Meeting and December 20, 2010 City Council Meeting
 17. DFA Budget Adjustment Resolutions:
 - A. 2011-08; New Mexico Fire Protection Grant
 - B. 2011-09; Keep New Mexico Beautiful Grant
 - C. 2011-10; Bureau of Justice-Combat Crime and Drugs Grant
 - D. 2011-11; State Grant In-Aid Library Grant
- N. **EXECUTIVE SESSION**
 - 10-15-1 Section H-Subsection (2) Limited Personnel Matters; (7) Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation.
- O. **ANNOUNCEMENTS**
- P. **ADJOURNMENT**

**Councilor Kain-Salazar made motion to approve, seconded Councilor Valdez.
Motion carried 6/0.**

Councilor Ortega made motion to go into Executive Session, seconded by Mayor Pro Tem Lujan.

**Roll call vote.
Motion carried 6/0**

***Councilor Seeds joined the Meeting via conference phone at 6:04pm.**

The Governing Body entered into Executive Session at 6:04pm.

Councilor Garcia made motion to exit Executive Session, seconded by Councilor Kain-Salazar.

The Governing Body exited Executive Session at 6:52pm.

Mayor Lucero stated no action was taken.

**Councilor Ortega made motion to approve recommendation that City Clerk, Heather Velasquez, be removed from her position, seconded by Councilor Garcia.
Motion carried 6/1. Councilor Seeds voted against.**

PUBLIC COMMENTS

Sam Chavez, AFSCME Local 1118 representative, stated that he would like to make the Governing Body aware of things going on in the City. He stated that employees didn't know what was happening from day to day. He stated that the management's attitude towards employees was not there. Mr. Chavez stated that he had come to Mayor to try and resolve. He stated that the Union had also tried mediation, but there was not any respect. He stated that he was concerned that employees had no access to Human Resources. Mr. Chavez stated that the Union had seven prohibited practices complaints towards the City right now. He listed issues of Prohibited Practices. He stated that the only alternative was to ask the Governing Body for a meeting to help resolve issues. Councilor Valdez stated that should be brought up at a Committee. He stated it was improper to bring to the Governing Body. Mayor Lucero stated that she would like to follow up with a meeting.

COUNCILOR COMMENTS

Councilor Garcia invited everyone to Delta for Fiesta.

Councilor Valdez stated that he still wanted NMDOT District 5 to come in to speak to us about the Bank of America median. He stated that citizens continue to have issues. He stated that he knew of many senior who had issues turning in south. He stated that he had witnessed someone go over the sidewalk. James stated they would be at the next Public Works meeting. Mayor Pro Tem Lujan stated that's what she wanted to suggest. Mayor Lucero asked James to be sure a representative from NMDOT was present.

Mayor Lucero stated that she wanted to acknowledge that the Chairman of Rio Arriba County Commission, Alfredo Montoya, was here.

Councilor Seeds stated that the Governing Body had discussed Bank of America too long now and it didn't seem like anything was being done. He stated that he hoped the City would move on it before something happens and we're held liable.

Councilor Seeds stated that in regard to the issue with the City Clerk he felt the Governing Body had a responsibility to set up protocol to deal with things that came up with employees so that they had a chance to resolve issues with performance or anything else so that they were not left unemployed. He stated that employees needed to be treated with dignity and pride and get issues resolved.

MATTERS FROM THE MAYOR

18. Employee of the Month Award-Elijah Mares and Johnny Padilla

Mayor Lucero asked that Elijah and Johnny come up. She asked Anthony "Hawk" Trujillo to tell everyone why he nominated them as Employee of the Month. Hawk stated that the City purchased the Pumice Mine in 1999. He stated that in 2004 the City got a letter that we needed to follow-up to close the mine. He stated that he told the City Manager that staff could do the work in less time for less money. He stated that the work was done with \$65,000 in 35 days. Hawk stated that their work showed he could depend on both. He stated that after the completion, the Inspector used pictures of the mine for training on proper closing. Mayor Lucero stated both employees were always willing to work. She thanked them both for their hard work. Mayor Lucero read aloud their award and awarded each with a \$25 check.

19. Official announcement regarding Hunter Property

Mayor Lucero stated that this was something that was very dear to all of us. She stated that the City closed on Hunter Property at the end of December. She stated that she asked the Hunters to be here to be recognized and to thank them. Mayor Lucero stated that the Hunters donated almost half the amount of the property. Mayor Lucero thanked the Hunters. She stated that last week she had a meeting with the Library Board. She stated that

the intent of the building was for use as a new Library, but this was going to be a community effort. She stated that she wanted to bring together the County, and the Schools to work on it.

Daniel Roybal stated that he would like to thank the Governing Body on behalf of library board and friends of the Library. He also thanked the Hunter family. Mr. Roybal stated that the Library has always been part of his family. He stated that the Library Board and Friends of the Library would be doing fundraisers and apply for grant money throughout the next two years. He encouraged citizens to stand with them and try to raise money without raising taxes. Mr. Roybal thanked everyone and stated he looked forward to working on this Library. Mayor Lucero stated that she did not want to exclude the Pueblos and she hoped they would be willing to join. Councilor Ortega recommended that when Library went forward the Hunter Family be acknowledged. Councilor Seeds thanked the Hunter family. Mayor Lucero asked the family to give her regards to C. L. Mayor Lucero thanked everyone who was here to show support.

20. Appointment to the Planning and Zoning Commission

Mayor Lucero asked that this be table because she did not get a hold of the person she wanted to appoint.

21. Appointment of Police Chief

Mayor Lucero stated that Joe Martinez resigned as Chief of Public Safety. Mayor Lucero stated she would like to appoint Leo Montoya.

Mayor Pro Tem Lujan and Councilor Ortega made motion to ratify appointment, seconded by Councilor Kain-Salazar.

Motion carried 7/0.

Councilor Seeds stated Leo served for the City before and did a great job. He stated that Chief Montoya would move the City forward.

Chief Montoya thanked the Governing Body for this opportunity. He stated that he hoped he could do some good for City of Espanola.

Mayor Lucero stated Leo spent about 18 years with City and was recently the Chief of Police for Santa Clara. She stated that he has the experience and knowledge to do a great job.

Judge Salazar swore Chief Montoya into office.

Mayor Pro Tem Lujan stated that she hoped that he would put every effort to the drug problem in our community. She stated that he needed to reach out more to other entities because the City couldn't do it alone. She stated that drugs were hurting our youngsters. Mayor Pro Tem Lujan stated that she was dumbfounded on how much drugs there were in the area. She also asked Chief to put a stop to speeding as well. Councilor Ortega stated that he knew Leo for a very long time. He stated that his dedication came from a family of law enforcement. Councilor Ortega stated to Chief Montoya that if there was anything he could do to not hesitate to call.

Councilor Salazar thanked former Chief Martinez and stated he was a good man and will be missed. He welcomed Chief Montoya.

Gilbert Montoya thanked the Governing Body for being here and stated that Leo would do a great job. Levi Valdez, Jemez Board member, stated he was here to support Mr. Montoya. He stated that Leo was his student in 1971 and he was very proud of him.

Chief Montoya thanked everyone who was here to support him.

22. Appointment of Interim City Clerk

Mayor Lucero stated that Jessica Martinez has served as Deputy Clerk since July and has done a great job. She stated that she would like to appoint Jessica as Interim City Clerk.

**Councilor Valdez made motion to ratify the appointment, seconded by Mayor Pro Tem Lujan.
Motion carried 7/0**

PUBLIC HEARING(S)

23. ORDINANCE NO. 2011-01- AN ORDINANCE AMENDING CITY OF ESPAÑOLA ORDINANCE NUMBER 386; PROVIDING THAT THE PURPOSE FOR WHICH THE MUNICIPAL LOCAL OPTION GROSS RECEIPTS TAX IMPOSED BY ORDINANCE NUMBER 386 INCLUDE CAPITAL OUTLAY PROJECTS; PROVIDING FOR AN EFFECTIVE DATE

Frank Coppler stated that this Ordinance would amend an Ordinance that was adopted in 1984 that was for Parks and Recreation. He stated that portion had been pledged to bonds. He stated that those bonds were sold and/or in process of refinancing. Frank stated that the savings could be used for other projects. He stated that the lawyers for New Mexico Finance Authority spotted that this was limited to Parks and Recreation but has been used for Capital outlay.

Public Hearing was opened at 7:04pm.

There were no comments.

Public Hearing was closed at 7:05pm.

Councilor Valdez made motion to approve, seconded by Councilor Kain-Salazar.

Councilor Valdez stated that he was on the City Council in 1984 and the main issue was to open roads and buy property to make new roads. He stated that the Mayor at the time inserted a word that it could only be used for Parks and Rec. He stated that he had voted against the Ordinance then. He stated that he was glad it was being passed now to include Capital Outlay.

Councilor Seeds stated that he was on the City Council when the Ordinance was passed. He stated that the intent was to always have money set aside for Parks and Rec. He stated that he didn't believe that it would be labeled capital outlay as he didn't know of any capital outlay projects.

Motion carried 6/1. Councilor Seeds voted against.

BUSINESS WITH VISITORS

24. Presentation from Officer Jack Casias and introduction of new K9

Officer Jack Casias stated that he was about 2 weeks into training with his new K9. He stated that the K9 was already owner trained. He stated that the canine came from Europe. Mayor Lucero stated this was a joint effort between the City and Espanola Public Schools (EPS). She stated that EPS paid for the dog, and the City will care for the dog. She stated that the training was provided by the State Penn. free of charge.

Richard Gallegos thanked the Governing Body for support. He stated that the K9 would be utilized at the schools to detect drugs and also out in the field. He stated it would be shared with Santa Clara.

Mayor Pro Tem Lujan thanked Jeanette Archuleta and the School Board for support as this was a well worthwhile cause to help stop the drug problem.

Officer Casias brought in K9. He thanked EPS for the opportunity as this was something he always wanted. Mayor Lucero asked when the K9 would be commissioned. Officer Casias stated she would be certified through Master and then through the Judge. He stated that he would like to come back after training.

Mayor Lucero stated that she was excited about having a new K9.

Jeanette Archuleta thanked the Governing Body for partnership. She thanked Officer Casias and stated that he was passionate.

Officer Casias thanked Lowes who gave a great deal on a Kennel and Richard gave a dog house. He stated that Santa Fe gave an insert to use in the car.

25. Presentation from Superintendent Janette Archuleta regarding General Obligation SB9 Bond

Ms Archuleta stated that the information that was handed out to the Governing Body was sent home with all students. She stated there were major projects that were needed for the district; outdoor fields, Alcalde Elementary, and Fairview Elementary.

Ms. Archuleta stated that the plan was to remove portables and build buildings at each school site.

Ms. Archuleta stated that the school was working hard to be held accountable. She stated that they were prioritizing projects. Mayor Lucero encouraged everyone to vote early. Mayor Lucero stated to Ms. Archuleta that it was important to know where to go to vote and it would be helpful to announce that information.

26. Presentation from David Maestas regarding savings on phone services and review of proposal for Jemez Electric Coop services

David Maestas stated that long distance calling accounting codes will be issued. He stated that once activated employees couldn't make call without a code. He stated that the phone lines were identified and 117 lines needed to be disconnected. He stated that there were 9 businesses that were being billed to the City. He stated that based on the lines that were disconnected; some internet lines were disconnected and needed to be turned back on.

Mayor Lucero stated that she liked what she heard.

Mr. Maestas stated that Jemez bills were high and would like to get the Governing Body permission to physically go and look for electric lines that were not in use so that he could see what could be done to save. Councilor Valdez asked if there was money involved. Mr. Maestas stated that fee would come out of savings. He stated that he was not asking the City to come out of pocket. Mayor Lucero stated that the savings was above and beyond the contract amount.

Mayor Lucero stated that the Governing Body could tell Mr. Maestas to proceed and come back with a contract.

Councilor Salazar stepped out at 7:34pm.

27. Presentation from Earl Wright, Chairman of Planning and Zoning Commission

Chairman Earl Wright and Vice-Chair Lorie Koontz presented.

Mayor Lucero recognized JR Trujillo.

Mr. Wright stated he was here to discuss issues on the Sign Ordinance, to convey the Planning and Zoning Commission vision, and get direction. He stated that he looked forward to the Mayor's new appointment.

Read aloud portions of the letter he presented to the Governing Body.

Councilor Salazar returned at 7:37pm.

Mayor Lucero stated that she appreciated the Commission for the work they did. She stated that their diversity was what made the Commission work. She stated that the Governing Body would take recommendations to heart but they would also take recommendations from the Business Advisory Board. Mayor Lucero stated that the City needed to embrace people that wanted to come into the City.

Councilor Valdez asked for clarification on serial subdivisions as stated in the letter. Mr. Wright stated that people would split a lot and then come back and split those two lots into more lots and so on. Councilor Valdez asked about the subdivision in El Llano and stated that he didn't think it was ever accepted. Ms. Koontz stated that was more of a legal issue with the City. She stated that happened prior to the formation of Commission.

Councilor Valdez stated there were some buildings that needed to be knocked down. He stated he would like the City to be like Albuquerque where they acquire abandoned properties and demolish them. He stated that he didn't know if that would be the only way to get rid of these dilapidated buildings. Mr. Wright stated there was nothing in ordinance right now allowing the City to take away properties. He stated that he would like to see Planning and Zoning tackle that. Ms. Koontz stated that she thought there was an ordinance that allowed the City to do that. She stated that when talking about some historical businesses, that was something different. She stated that there was money available through the historical district.

Councilor Ortega thanked Mr. Wright and Ms. Koontz. He stated that there were things in the letter that were brought to the forefront. He stated that abandoned buildings were one thing he was concerned about when he was elected. As Councilor Valdez asked Russell that we closed the loophole in subdivision. Legislature closed it. Russell stated was instrumental in that at SF County. Affected areas that didn't have zoning codes. Yes was closed at that point.

Councilor Kain-Salazar thanked Mr. Wright for the letter. She stated that the Commission put a lot of time into the Sign Ordinance. She stated that it was to the advantage to new businesses. She stated that the problem was with old businesses not really new. She stated that we needed to work together to help businesses comply. She stated that we needed to use tough love and have business comply with what was on the books.

Councilor Seeds stated that Mr. Wright brought up issues that were important. He stated that the Governing Body and Planning and Zoning Commission needed to all sit down and meet with citizens to see what their views were to bring in businesses and keep them here. He stated that they needed to come up with a joint Ordinance everyone could abide by. He stated that it had been talked about for several months but everyone needed to get together. Mayor Lucero stated that Planning and Zoning was working on code amendments but she wanted everyone to come together before it was taken to the Governing Body. She suggested maybe a Work Session where all could come together.

Councilor Seeds stated that we needed to give citizens an opportunity and give them a better understanding and get some tools to work with.

Mayor Lucero stated that maybe the Business Advisory Board could help.

Mr. Wright stated that the Planning and Zoning Commission had scheduled a Workshop next Thursday at 6:00pm. He stated that the Commission wanted to take action on the new code to forward to the Governing Body.

Ms. Koontz thanked the Governing Body for their support. She also thanked Chairman Wright, all the members of the Commission, and Russell. Mayor Lucero thanked the Commission.

DISCUSSION/ACTION ITEM(S)

28. Review and consideration of Corporations of America Contract as recommended by Public Safety Committee

James asked Council to approve. Mayor Lucero asked what savings could be anticipated. James stated that with the new contract the fees would be \$50 for male and \$52 for female. Ted Garcia stated that the City was currently paying \$60 with McKinney. He stated that there would also be mileage savings as Estancia would transport three times a week.

Mayor Pro Tem Lujan made motion to approve, seconded by Councilor Salazar.

Councilor Ortega stated that this came up almost right after election. He thanked staff for their hard work in getting this contract done.

Motion carried 7/0

Mayor Pro Tem Lujan thanked Ted and staff for cost savings. She stated that it was her personal dream to truly work towards a joint effort to get a Center in the Valley, but the City couldn't do on our own. She stated that we needed to start to work with other entities to get a center built. Mayor Lucero stated that now that we had a new Chief she hoped that could be done.

Councilor Seeds disconnected at 8:07pm.

29. Review and consideration of Fairview Road Exchange Agreement as recommended by Public Works Committee; (Phil Gallegos Assistant District 5 Engineer will be present to answer any questions)

James asked to table this item as NMDOT was supposed to be here. He stated that he was advised on Friday that someone would be here. Mayor Lucero stated that the Governing Body and the Public Works Committee had discussed.

Councilor Valdez made motion to table because he wanted to see the District 5 Commissioner here, seconded by Councilor Ortega.

Motion carried 6/0 tabled till next meeting.

REPORTS

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

Mayor Pro Tem Lujan stated that Public Safety they had discussed many issues. Mayor Lucero stated that Chief Montoya already had a plan.

Councilor Kain-Salazar stated that the Public Works Committee thought NMDOT would be here.

Councilor Salazar stated that for Community Services Committee, Len Cata was back and they would be meeting in February.

Councilor Garcia stated that Finance met last week on the budget.

Mayor Pro Tem Lujan left at 8:14 pm.

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

Councilor Valdez stated that he would like to meet with North Central Solid Waste Authority (NCSWA). James stated that he had asked for a meeting at the last Board meeting and has not received a call to schedule. Mayor Lucero stated that the City was open to meet just needed to know when.

32. **City Manager and Staff Reports**

James stated that our Fire Chief resigned. He stated that Ron Padilla would be the Interim Fire Chief and he has already been a big help. Mayor Lucero thanked Ron. Councilor Kain-Salazar thanked Ron also.

James stated he met with Pablo Sedillo. He stated that he introduced Ron would like him to sit in on their next meeting.

James stated that Len would be putting together a packet to look at USDA money.

James stated that the Public Works Department cleaned out the Hunter building. He stated that he thought about having an auction but he didn't know if anything was worth auctioning.

James stated that staff had starting on the budget process. He stated that they were working on mid-year with all departments. He stated that staff was also getting ready to kick off on the new budget. Mayor Lucero stated that the Governing Body had expressed interest in being a part of the process. She asked Ron to email a schedule when it was ready. Ron stated he would. Mayor Lucero asked if it would be okay to have budget hearings rather than Finance Committee. Ron stated it would be the same tentative schedule. Councilor Ortega suggested that maybe at each Finance Meeting we could touch on each department.

Mayor Lucero stated that through Lodgers' Tax the City purchased pens, mugs and pins. Councilor Ortega asked if there was money in Lodgers' Tax to supply legislators with goodies. Mayor Lucero stated yes.

33. **Finance Report**

Mayor Lucero asked Ron if anything changed from finance report last week. Ron stated no, it was the same.

CONSENT AGENDA

34. **Approval of Minutes: December 10, 2010 Special City Council Meeting and December 20, 2010 City Council Meeting**

35. **DFA Budget Adjustment Resolutions:**

- a. 2011-08; New Mexico Fire Protection Grant
- b. 2011-09; Keep New Mexico Beautiful Grant
- c. 2011-10; Bureau of Justice-Combat Crime and Drugs Grant
- d. 2011-11; State Grant In-Aid Library Grant

Councilor Ortega made motion to approve all items on consent agenda, seconded by Councilor Kain-Salazar.

Motion carried 5/0

EXECUTIVE SESSION

10-15-1 Section H-Subsection (2) Limited Personnel Matters; (7) Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation.

ANNOUNCEMENTS

There were no announcements made.

ADJOURNMENT

Councilor Ortega made motion to adjourn, seconded by Councilor Garcia.
Motion carried 5/0

Being no further business, the meeting was adjourned at 8:26pm.

APPROVED AND ADOPTED THIS 29th DAY OF March, 2011.



Tessa Jo Mascareñas
Tessa Jo Mascareñas, City Clerk

Alice Lucero
Alice Lucero, Mayor