



**CITY COUNCIL MEETING**  
MARCH 25, 2013, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:00pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Valdez led the Moment of Meditation.

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

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Elaine L. Herrera
	Cory Lewis
	Peggy Sue Martinez
	Pedro Valdez
	Robert Seeds

**E. APPROVAL OF AGENDA**

Mayor Lucero presented the Agenda as follows:

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS/ ANNOUNCEMENTS**
- H. MATTERS FROM THE MAYOR**
  - Appointment of City Councilor- District 3
  - Appointment of New Councilor to Council Committees
- I. PUBLIC HEARINGS**
  - 1. **LIQUOR LICENSE APPLICATION: TRANSFER OF LOCATION ONLY FOR LIQUOR LICENSE NO. 0935 WITH PACKAGE SALES IN THE CITY OF ESPAÑOLA.** Consideration of request for location transfer of Liquor License Application #0935 from Dream Time, LLC.
- J. REPORTS**
  - 2. **Council Committees** (Community Services, Finance)
  - 3. **City Manager and Staff Reports**
- K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**
  - 4. Review of Recording & Approval of Minutes- 2.11.13 City Council Meeting (tabled during 3.11.13 meeting)

5. Resolution 2013-04: Declaring City Endorsement of the Conversion of Public Housing Units to Long Term Section 8 Contracts under RAD Program
6. Santa Fe County Adult Detention Facility Inmate Confinement Contract (Chief Garcia)
7. Police Department Firearms Trade (Chief Garcia)
8. Approval of A Great North A'fair Contract (Community Services Director Cata)
9. Approval of Intergovernmental Contract Amendment for NCRTD (Mayor Pro-Tem Salazar)
10. Request to DOT to Limit Large vehicles on Oñate Bridge (Councilor Robert Seeds)
11. Hunter Street Emergency Repair (Interim City Manager Duran)
12. Resolution 2013-05: Open Meetings Act

**L. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (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.

**M. ADJOURNMENT**

---End---

Mayor Lucero requested that both items under Matters from the Mayor be removed. She added that she would also like to hold off on hearing Item # 4 and Item #12 as Councilor Radosevich was out sick. She explained that she felt that all Councilors should be present during those discussions.

*Motion by Councilor Valdez to approve the agenda as amended; seconded by Mayor Pro-Tem Salazar.*

*Motion carried 6-0.*

**F. PUBLIC COMMENTS**

Ms. Ruth Ann Vargas, Fiesta Council President stated that she would like to communicate what the Fiesta Council was doing. She announced that they were in the process of organizing the competition for Juan de Oñate and the Reina. She reported that it would be held on April 6<sup>th</sup> at the Ohkay Casino and would be a family event with a ball after. She announced that she had brought tickets for the councilors and their spouses so they would have no excuse for not showing up. Ms. Vargas thanked the Council for supporting the fiestas.

Councilor Seeds asked Ms. Vargas the cost of the tickets. Ms. Vargas stated that the tickets were \$10 for couples, \$7 for singles, \$3 for children over six (6), and free to children under five (5). She mentioned that her husband would donate the PA system and his time and the rest of the band would charge for their time. She stated that Cuarenta y Cinco would perform along with the 2012 Reina Candance Vargas.

**G. COUNCILOR COMMENTS/ ANNOUNCEMENTS**

Mayor Lucero noted that this portion of the meeting was for comments or announcements and not to request opinions from the Attorney.

Councilor Valdez stated that paving had begun on North Coronado Avenue. He announced that he would be retiring from the NM Gas Company on April 5<sup>th</sup> after 36½ years.

Councilor Martinez welcomed her daughter to the meeting.

Councilor Herrera thanked Community Services Director Cata and his staff for coordinating the Easter Egg Hunt the previous Saturday. She stated that it was cold, but successful.

Mayor Lucero reminded everyone that there would be a Community Forum at Northern New Mexico College (NNMC) on April 25, 2013. She stated that Ben Tucker from the Federal Drug Czar's office would listen to

comments from the community. She stated that when federal funding was requested, the Drug Czar's Office would have a better understanding of the occurrences in our community. Mayor Lucero announced that the 3<sup>rd</sup> Annual Drug Summit would be held on April 26, 2013. She stated that several schools had been invited along with several dignitaries. She reported that it would be held at the Ohkay Owingeh Conference Center.

Mayor Lucero stated that she would like to inform the Council that the legislature had passed a budget at the eleventh hour that would remove "hold harmless" funds. She explained that several years prior, the legislature decided not to tax groceries and pharmaceuticals and paid the Cities what they would be losing. She stated that they had now decided to withhold these funds in order to lower the taxes on big business at the City's expense. Mayor Lucero stated that the City currently received approximately \$50,000 per month. She surbed her remarks by stating that the removal would be phased over a 15 year period with the City not suffering the loss for the next two (2) years. Mayor Lucero stated that it would have a significant impact on the City of Española. She stated that they were allowing the city to impose a 3/8 of 1% tax that would equal approximately \$38,000 annually. She stated that she hoped to meet with the Governor on the issue.

Mayor Lucero commented that Friday was Good Friday and City Hall would be closed.

#### **H. MATTERS FROM THE MAYOR**

##### **I. PUBLIC HEARINGS**

13. **LIQUOR LICENSE APPLICATION: TRANSFER OF LOCATION ONLY FOR LIQUOR LICENSE NO. 0935 WITH PACKAGE SALES IN THE CITY OF ESPAÑOLA.** Consideration of request for location transfer of Liquor License Application #0935 from Dream Time, LLC.

#### ***Mayor Lucero opened the Public Hearing 6:16pm.***

Mayor Lucero introduced Mr. Mark Rhodes. Mr. Rhodes stated that he was the attorney for the applicant. He explained that his daughter had filled out the transfer application. He stated that Ms. Elberta Honstein had owned the liquor license for many years. He responded that they had a dispenser license- a license originally issued by the State of NM based on quotas and it must stay within the City of Española or the right was lost to sell package liquors. He stated that Ms. Honstein had been approached by an operator out of Texas, who would have greater sales on Paseo de Oñate, regarding a lease. Mr. Rhodes explained the liquor license transfer process.

Mayor Lucero called for any additional comments.

#### ***Mayor Lucero closed the public hearing at 6:21pm.***

Councilor Valdez declared that he would be voting against the measure in the interest of health, safety and morals.

Councilor Seeds asked what the exact location of the transfer would be. Mr. Rhodes stated that it was at the intersection of Industrial Park Road and Paseo de Oñate.

***Motion by Councilor Seeds to approve liquor license application- transfer of location only for liquor license no. 0935 with package sales in the City of Española; seconded by Councilor Lewis.***

Councilor Seeds noted that once the state decided to approve the request, the approval of the City Council did not mean a whole lot and had been overridden in many cases. He stated that he made the motion because the liquor license already existed and the owners were honorable people.

**Roll Call Vote:**

<b>Mayor Pro-Tem:</b>	<b>Dennis Tim Salazar</b>	<b>In Favor</b>
<b>Councilors:</b>	<b>Elaine L. Herrera</b>	<b>In Favor</b>
	<b>Cory Lewis</b>	<b>In Favor</b>
	<b>Peggy Sue Martinez</b>	<b>Against</b>
	<b>Pedro Valdez</b>	<b>Against</b>
	<b>Robert Seeds</b>	<b>In Favor</b>

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

Councilor Valdez stated that he voted against it in the interest of health, safety and morals. Councilor Martinez stated that she voted against the measure due to her moral stature.

**J. REPORTS**

**14. Council Committees (Community Services, Finance)**

Councilor Seeds stated that Community Services Director Cata had some homework to do before the next meeting.

Mayor Lucero stated that the Finance Board meeting had been held the previous week.

**15. City Manager and Staff Reports**

Interim City Manager Duran stated that Public Works Director interviews had been completed. He stated that an employment offer had been made and the individual would begin in 30 days. Mayor Lucero asked the name of the individual. Interim City Manager Duran replied that his name was Robert George.

Interim City Manager Duran stated that work had been conducted on Well # 4 as it had begun pumping dirt. He stated that the contractors were reviewing the film and they would return with a recommendation.

He continued that on Calle Delfina there were two (2) more easements that were needed for the project.

Interim City Manager Duran reported that he had met with Mr. Willie Atencio. He explained that it appeared as they would they would need to examine survey plats and attempt to get documentation to use the ditch as a part of the widening project for Pacheco Lane.

Interim City Manager Duran stated that the Mechanics had created a progressive maintenance check program. He stated that the Wastewater Plant was working well and neighbors were enjoying the warmer days with barbeques, etc. Interim City Manager Duran stated that the Water Department had experienced two (2) more leaks that would require repair. He explained that the lines were extremely old so the City either had to work with the property or attempt to gain easements, but the line needed to be replaced one way or another. He continued that the Streets Department was working on signage and with the new sweeper. He stated that the Recreation Department had worked on the boiler so the pool had not had to be closed.

Interim City Manager Duran communicated that besides what was written on the submitted report, they would see that there had been several items addressed by Planning & Zoning even though a Code Enforcement Officer had not yet been hired. He commented that Planning & Zoning Director Naranjo had a good program the he had been working on.

Councilor Valdez asked the status of the KDCE lift station. Interim City Manager Duran replied that following receipt of the generator, the project would begin.

Councilor Seeds asked if the dedications of properties on Pacheco Lane had been recorded. Interim City Manager Duran stated that there had been one document that had to be redone and it had cost \$325 to do the recording. He stated that Grants Administrator Diahann Jacquez was working on completing it.

**K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**

**16. Resolution 2013-04: Declaring City Endorsement of the Conversion of Public Housing Units to Long Term Section 8 Contracts under RAD Program**

Mr. Ed Romero, Santa Fe Civic Housing Director introduced his colleagues- Mr. Rick Lopez and Dave Martinez. He reported that they had created a new project that would utilize a voucher program as opposed to a subsidy program. He stated that the basic tenets would remain the same; however, they would be allowed access to different types of capital which would allow them to develop their sites. He explained that the housing sites had been built over 30 years prior and rents in the City of Española were significantly lower than the rest of the state. He announced that they would attempt to do approximately \$20,000 in rehabilitation to each unit.

Councilor Valdez stated that when the original MOU was signed, the City had been promised several upgrades and asked if these were those updates. Mr. Romero replied that when Santa Fe Civic Housing had come in, they had dealt with issues with code and audits. He announced that Santa Fe Civic Housing Authority was high performing and had no problems in those areas.

Councilor Seeds thanked Mr. Rick Lopez for his efforts. He stated that the City had been concerned about the lunch program at one point and Mr. Lopez had stepped up and assisted.

***Motion by Councilor Martinez to approve Resolution 2013-04: Declaring City Endorsement of the Conversion of Public Housing Units to Long Term Section 8 Contracts under RAD Program; seconded by Councilor Valdez.***

Mayor Lucero noted that Mr. Lopez had communicated that residents would not be affected. Mr. Romero confirmed that fact and stated that the only benefit would be the updated units.

City Attorney Coppler stated that he understood that increased borrowing required that income levels conform to rent restrictions. Mr. Romero replied in the affirmative.

Councilor Seeds asked Mr. Romero to confirm that tenants would not see an increase in rent. Mr. Romero stated that when the updates were done, the utility improvements would generate lower bills which would cause lower rent allowances.

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

**17. Santa Fe County Adult Detention Facility Inmate Confinement Contract (Chief Garcia)**

Mayor Pro-Tem Salazar suggested moving this item and the next to the end of the meeting as Chief Garcia had not yet arrived.

**18. Police Department Firearms Trade (Chief Garcia)**

**19. Approval of A Great Northern A'fair Contract (Community Services Director Cata)**

Interim City Manager Duran explained that this contract was for the fiesta carnival. Mayor Lucero stated that the City had made more money the previous year because this provider returned a higher percentage and they had higher certifications for safety.

Councilor Martinez expressed her pleasure with the contract because A Great Northern A'fair had a cheaper all day ride pass.

Councilor Lewis stated that the company had previously requested a two (2) year contract asked if that was the case on this contract. Interim City Manager Duran confirmed that the contract would be for one (1) year.

***Motion by Councilor Lewis to approve Approval of A Great Northern A'fair Contract; seconded by Mayor Pro-Tem Salazar.***

Councilor Seeds verified that there were no signing bonuses as far as ride passes.

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

20. Approval of Intergovernmental Contract Amendment for NCRTD (Mayor Pro-Tem Salazar)

Mayor Pro-Tem Salazar stated that NCRTD was doing this with all members in regards to voting strength. He explained that due to an increase in population, the City of Española had gone from one (1) to three (3). He stated that NCRTD was requesting that each governmental entity pass this measure.

Mayor Lucero clarified that the City of Española would still have the one (1) voting member but with the strength of three (3) votes. Mayor Pro-Tem Salazar replied in the affirmative.

***Motion by Councilor Martinez to approve Intergovernmental Contract Amendment for NCRTD; seconded by Mayor Pro-Tem Salazar.***

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

21. Request to DOT to Limit Large vehicles on Oñate Bridge (Councilor Robert Seeds)

Councilor Seeds stated that he had never mentioned anything about the bridge, rather he was hoping that they could prevent large trucks on Mainstreet so that they could create an atmosphere of people parking on the street. He stated that the representatives from the Department of Transportation (DOT) had indicated that they would most likely comply.

Councilor Valdez commented that the truckers were going through Mainstreet because they had difficulty making the turn by Dandy Burger.

City Attorney Coppler stated that his understanding would be that if this were a routine matter, it would be an issue that the Interim City Manager could take up with DOT and report back on. He stated that if it were a big ticket item, the Council could proceed to drafting a resolution.

***Motion by Councilor Seeds to create a resolution to ask DOT to restrict downtown Española and the Oñate Bridge to smaller vehicles and the proper signage be placed identifying Paseo de Oñate; seconded by Councilor Martinez.***

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

22. Hunter Street Emergency Repair (Interim City Manager Duran)

Interim City Manager Duran reported that a line had blown on Hunter Street the previous week. He stated that within a couple of hours, the million gallon tank had gone down by 2 ft. He explained that the water had rushed through the storm sewer and backed up onto Espinoza Street. He reported that no houses had been damaged; however, dirt had gotten into the sewer line causing vapor to rise into the houses of the neighborhood.

He stated that there had been five (5) employees out and it had been a big job to close down. Interim City Manager Duran commented that they had been forced to contact RMCI for help. He reported that without RMCI, they would not have been able to fix it. He stated that it had been completed about 10pm and explained that he would like to gain approval for RMCI to go in and replace the line. Interim City Manager Duran announced that it would cost \$27,000 and needed to be done quickly. He added that they had patch milling in the area that needed to be done as they would have to break the road. He stated that Street Supervisor Anthony "Hawk" Trujillo had been in contact with DOT regarding paving.

Councilor Lewis commented that RMCI was making a killing off the City of Española. Interim City Manager Duran responded that no business in town could had gotten the materials and done the work in time. He stated that RMCI was not asking us for the work, rather we were asking them to do it. Councilor Lewis asked if assistance had been sought locally. Interim City Manager Duran replied in the affirmative. Mayor Lucero stated that she shared the concern with Councilor Lewis; however, this was an emergency situation and the City already had prices because of the contract. She stated that there had only been a few minutes to make a decision. Interim City Manager Duran added that the individuals that worked for RMCI were local.

Councilor Valdez stated that the entire line required replacement and asked that a full replacement could be taken to the Public Works Committee. Mayor Lucero asked if that was what this measure would do. Interim City Manager Duran replied that it would replace a 300ft portion. Councilor Martinez asked if it was the same portion of Hunter Street that had already been paved. Interim City Manager Duran replied in the affirmative. Councilor Martinez stated that she would like to see the City "put the cart where it goes." She said it would be nice to see which lines in Española were the oldest and needed the most improvement and make a schedule for replacement. Councilor Martinez added that there was a lot of structure in the City that needed help and that to have to cut through a new piece of pavement was almost sinful.

***Motion by Councilor Valdez to approve Hunter Street Emergency Repair; seconded by Councilor Martinez.***

Councilor Lewis asked Interim City Manager Duran where the funding would come from. Interim City Manager Duran replied that it would come from the Water Operations Fund and was available.

Councilor Seeds said that if the council approved this, staff should work on getting a price quote for the rest of the line. Interim City Manager Duran replied on the affirmative and stated that employees were looking at all lines in the area as they were so old. Councilor Seeds said the reason he asked was because he agreed with Councilor Lewis and would vote in the affirmative only because the last breakage had caused a loss of 1 million gallons. Councilor Seeds expressed his belief that the City should create a list of local people that do this type of work.

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

#### **L. EXECUTIVE SESSION**

There was no need to enter into Executive Session.

Interim City Manager Duran reported that Chief Garcia had called him and informed him that he would not be coming to the meeting, the Inmate Confinement Contract could wait, and the weapons trade would have just been a report.

***Councilor Martinez exited at 7:03pm.***

Mayor Lucero stated that they had decided to hold a budget work session on the 8<sup>th</sup> and 9<sup>th</sup>, but could begin with a Council meeting then transition to a Finance Board meeting.

City Attorney Coppler reported that, with respect to Jemez, if the Santa Clara rates went into effect, the City rates would rise.

Mayor Lucero announced that there would be a District 2 NMML meeting on April 3<sup>rd</sup> that she planned to attend. She stated that if anyone was interested in attending, they could ride together.

Mayor Lucero noted that the health insurance rates would rise by 15% and the PERA rates would rise as well.

**M. ADJOURNMENT**

*Motion by Councilor Lewis to adjourn; seconded by Councilor Seeds.*

*Motion carried 5-0.*

*The meeting was adjourned at 7:06pm.*

APPROVED AND ADOPTED THIS 8<sup>th</sup> DAY OF April, 2013.

  
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Alice A. Lucero, Mayor

  
ATTEST:  
  
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Tessa J. Mascarenas, City Clerk