

Summary Minutes of:

**CITY COUNCIL MEETING
Tuesday, April 26, 2011
City Hall Council Chambers
405 N. Paseo de Oñate, Española, NM 87532**

Agenda as Presented:

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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. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS**
- H. MATTERS FROM THE MAYOR**
 - 1. Presentation of Certificate of Appreciation to Dylan Romero
 - 2. Appointment of Planning & Zoning Commission Member
 - 3. Appointment of Lodger's Tax Board Member
 - 4. Report on 2nd Annual Anti-Drug Summit
 - 5. Introduction of Social Host Ordinance
- I. BUSINESS WITH VISITORS**
 - 6. Presentation by Brenda Romero from the Española Hospital regarding the donation of an ambulance to the City of Española.
- J. CONSENT AGENDA**
 - 7. Approval of Minutes
 - a. March 26, 2011 City Council Meeting
 - b. April 11, 2011 Finance Board/City Council Workshop Minutes
- K. REPORTS**
 - 8. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
 - 9. **Council Appointed Liaison** (NCSWA, NCRD, E911, Hands Across Cultures, Fiesta Council)
 - 10. **City Manager, including Finance Report and Staff Reports**
- L. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**
 - 11. Resolution 2011-05 Repealing and Replacing Resolutions 2010-30; Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank Accounts.
 - 12. DFA Budget Adjustment Resolution 2011-16: To increase the budget to account for the award of Special Weapons & Tactical Enforcement Grant.
- M. EXECUTIVE SESSION**

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (8) discussion of the personnel matters and the purchase, acquisition or disposal of real property or water rights by the public body.
- N. ANNOUNCEMENTS**
 - 13. National Homeownership Month events organized by USDA Rural Development with assistance from the City of Española.
- O. 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---

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Lucero recited the Pledge of Allegiance.

III. MOMENT OF MEDITATION/ INVOCATION

Councilor Kain-Salazar led the moment of mediation/invocation.

IV. ROLL CALL/ DETERMINATION OF QUORUM

Present:

Mayor: Alice Lucero
Mayor Pro-Tem: Cecilia Lujan
Councilors: Cory Lewis
Greg Ortega
Helen Kain-Salazar
Pedro Valdez
Robert Seeds

Absent:

Councilors: Rosario (Chayo) Garcia
Dennis Tim Salazar

V. APPROVAL OF AGENDA

Mayor Lucero made a change to a typographical error with regards to the date of minutes to be approved. Those minutes were meant to reflect the March 29, 2011 meeting.

Councilor Kain-Salazar asked if there was more than one set for the budget hearings on April 11 & 12. City Clerk Mascareñas replied that there were two separate sets of minutes for those meetings and only the minutes for the first meeting were being presented at that time.

Motion by Councilor Greg Ortega to approve the agenda as amended; seconded by Councilor Lewis. Motion carried 5-0.

VI. PUBLIC COMMENTS

Mr. Joe Montoya stated that he is a property owner in San Pedro. He stated that in the past, he moved away from Española because a sewage plant was built adjoining his property and the stench from that plant was unbearable. Sometime after the initial plant was built, a 2nd plant replaced it. At this time, a 3rd plant has been placed in that location. Mr. Montoya stated that although the stench is no longer unbearable and the current plant has not flooded his property with sewage, there are drying beds and piles of sludge next to his property that have been piling up for months. Mr. Montoya stated that he has spoken with personnel who have informed him that they cannot move it until they are

permitted by the State of New Mexico. Mr. Montoya stated that the property values continue to diminish because of it. He voiced his realization that the location for the plant was determined prior to the election of the current City Council; however, he has brought the issue in front of the Governing Body in the hope that the sitting members will do something to resolve the issue.

Councilor Kain-Salazar stated that she has been to the site and knows the employees have moved the amount of sludge permitted by the state. She added that according to New Mexico State Statute, we are moving the maximum amount. She hopes that in the future, the City of Española can make some other type of amends with these property owners.

Councilor Seeds asked City Manager Lujan where the sludge was being taken and the date of last removal. City Manager Lujan replied that it is currently classified as Class-B sludge, was being taken to the licensed facility in Rio Rancho and work to move it had been ongoing for the past two weeks. In addition, work was going forward so that there could be a reclassification to Class-A. Councilor Seeds asked how long it would take to get this reclassification completed. City Manager Lujan stated that he is not aware of an exact amount of time. Councilor Seeds requested that City Manager Lujan provide the information to the Governing Body, as well as Mr. Montoya.

Councilor Valdez suggested exploring the option of removal to the plant in Colorado. City Manager Lujan stated that the New Mexico Environment Department issued permits to move everything. Seeds asked if the neighbors had been under the impression that with the construction of the new plant, it would be categorized as Class-A sludge. City manager Lujan stated that he does know that the modifications done made it a state-of-the-art plant. Mayor Lucero thanked Mr. Montoya for bringing this issue in front of the council and assured him that they are trying to make it better. It was her understanding the sludge would be kept inside of the building. However, the City of Española would attempt to help.

Councilor Seeds exited at 6:16pm.

Mayor Lucero asked if Mr. Marvin Martinez could report on this during the next council mtg. She stated that she knows Mr. Montoya's sons and asks about the issue every time she sees them. Mr. Montoya said he knows the councilors were not involved in placing it so close to mainstreet and hopes that the City can work it out as soon as possible.

Councilor Seeds reentered at 6:17pm.

VII. COUNCILOR COMMENTS

Councilor Valdez called attention to improvements being made around town, i.e. the rocks being painted and weeds being cut. Mayor Lucero stated that Community Services has been working to beautify the City. Councilor Valdez stated that Community Services is also working at Valdez Park.

Councilor Seeds asked about a follow-up meeting with Planning & Zoning. He expressed his feeling that nothing has happened to deal with dilapidated buildings. Mr. Russell Naranjo stated that a new ordinance was being worked on from old codes. He was asked to do a study based on similar municipalities. He stated that this would not be a simple process and would end up coming before the Governing Body to determine whether the City of Española can handle this financially. Councilor Seeds said he hoped that they all come together and have an opportunity to put this together. Mr. Naranjo stated that there would be a workshop the following day to go over mobile home ordinances and he would like to bring changes forward to Council.

Mayor Pro-Tem Lujan stated that she had sent an email to City Manager Lujan regarding the “adopt-a-median” program and asked him to follow-up.

Councilor Valdez stated that the Hunter Tractor Building will look great soon.

Mayor Lucero reminded everyone that the Public Regulation Commission (PRC) would be holding a hearing on May 3, 2011 regarding the gas outage. It would take place at 11am in the PRC Hearing Room on the 3rd floor of the old PERA building. Mayor Lucero stated that she would be testifying and Attorney Frank Coppler would be attending. In addition, Mayor Lucero reminded everyone that Saturday, April 30, 2011 at 9:30am was Little League Opening Day at Valdez Park. She stated that she had been asked to throw the first pitch. She stated that the CYFD foster/adopted children art show would be taking place at the plaza on Thursday, April 28, 2011 at 6pm.

Councilor Seeds asked about the median in front of the Bank of America. City Manager Lujan stated that he had had a discussion with the Highway Dept. However, a Highway Commission is not currently in place. Therefore, the District 5 Engineer has not yet set anything up. City Manager Lujan also spoke with them on the “adopt-a-median” program. Councilor Seeds stated that a wish list should be created and presented to the Highway Dept of things that needed to be done. City Manager Lujan stated that he understood Governor Susana Martinez was preparing to appoint the Commission members presently.

Mayor Lucero stated that work on US Highway 84/285 was still not complete.

VIII. MATTERS FROM THE MAYOR

1. Presentation of Certificate of Appreciation to Dylan Romero

Fire Chief Ron Padilla came forward and stated that a couple of months prior, the fire department had received a request from Santa Fe County for mutual aid. Because of this, staff had been required to move equipment from one truck to another. During this transfer, some items were lost. Chief Padilla continued that Mr. Dylan Romero had stopped, retrieved the equipment, and left a note at the La Joya Station. Chief Padilla stated that often only negative situations are discussed; however, he would like to take

this opportunity to recognize a young man that took the initiative to return the equipment. He expressed his belief that Mr. Romero was being raised well and was an honest person.

Mayor Lucero thanked Mr. Romero and presented a Certificate of Appreciation to him.

Mayor Pro-Tem Lujan exited at 6:31pm.

2. Appointment of Planning & Zoning Commission Member

Mayor Lucero stated that she had appointed Mr. Arthur Herrera at the last City Council Meeting; however, he had contacted her following that meeting and informed her that some personal issues had arisen and he would be unable to serve.

Therefore, Mayor Lucero would be appointing Ms. Olga Atencio to the Commission.

Motion made by Councilor Kain-Salazar to ratify the appointment; seconded by Councilor Ortega. Motion carried 6-0.

3. Appointment of Lodger's Tax Board Member

Mayor Lucero reported that Mr. Weldon McCullough had closed the Western Holiday Motel. Because the State Statute required a specific amount of Lodgers on the Lodger's Tax Board, she must appoint a member from that community. She announced that she had called Mr. Emery Maez. She explained that the Inn at the Delta provides a lot of money and expressed her feeling that it was important to offer them the position. She stated she may appoint this position at the next meeting.

4. Report on 2nd Annual Anti-Drug Summit

Mayor Lucero stated that the Office of the US Attorney, HIDTA, and Santa Claran Hotel co-sponsored with the City of Española. She informed the Council that there had been approximately 100 participants. The keynote speaker was Lieutenant John Sanchez. Several officials from different agencies had attended the meeting and there had been excellent workshops and a large amount of information shared. Mayor Lucero stated that one of the initiatives that came from the Summit was the implementation of a neighborhood-watch program and business-watch program in an attempt to curtail robberies.

She stated that there had been a \$198,000 grant provided by Senator Bingaman's office. In addition, Mr. Ernie Ortiz from HIDTA had expressed his intention to support a grant to the City of Española in the amount of \$40,000 as a result of the success of the Anti-Drug Summit. In addition, a Youth Cadet Program would be created.

5. Introduction of Social Host Ordinance

Mayor Lucero stated that along the same lines, she would like to introduce an ordinance at the next City Council Meeting. With prom and grad parties coming up, she expressed her feeling that the public should be made aware of the consequences of providing alcohol to minors. Mayor Lucero acknowledged that parents may not even realize what the consequences are and that it is a felony for adults to provide. In addition, minors can also be charged for providing it to other underage individuals.

BUSINESS WITH VISITORS

6. Presentation by Brenda Romero from the Española Hospital regarding the donation of an ambulance to the City of Española.

Ms. Brenda Romero, the Española Hospital Administrator, stated that Presbyterian would be donating one of their older ambulances to the City of Española for Chief Padilla and his staff to use as needed. She indicated that she had brought title of the ambulance to present to Chief Padilla. Chief Padilla stated that he would be working with staff to prepare the truck for use. Mayor Lucero thanked Ms. Romero for thinking of the City of Española and for the generous donation. She asked Ms. Romero to discuss the expansion of the Hospital and the improvement they would be making to Spruce Street.

Ms. Romero stated that they would be breaking ground for the new building at the end of May or the beginning of June. There would be new patient rooms that were larger and more private with state of the art equipment. In addition, there would be space for community use. The Española Hospital had long-term plans to phase in a new emergency room and to improve the radiology department. The new building would be a basement, 1st floor, 2nd floor, and 3rd floor. Initially, the major focus would be placed on the 2nd floor. Within the next few years they hope to move the Emergency Room to the 1st floor. Mayor Lucero stated these improvements would bring more jobs to the area. Ms. Romero stated they have been cleaning the area and hope to work with the city to improve on Spruce Street to improve access- i.e. pavement, painting, and sidewalk. Mayor Lucero stated that the City of Española would be willing to donate some materials.

Members of Council thanked Ms. Romero.

7. CONSENT AGENDA

8. Approval of Minutes

c. March 26, 2011 City Council Meeting

d. April 11, 2011 Finance Board/City Council Workshop Minutes

Councilor Seeds expressed concern regarding the accuracy of the Minutes. Mayor Lucero suggested voting on each set individually.

Motion made by Councilor Ortega to approve the minutes of the March 26, 2011 City Council meeting; motion seconded by Councilor Valdez.

Roll Call Vote:

Councilors Cory Lewis-Yes
Councilor Greg Ortega- Yes
Councilor Helen Kain-Salazar- Yes
Councilor Pedro Valdez- Yes
Councilor Robert Seeds- No

Motion carried 4-1.

Motion made by Councilor Ortega to approve the minutes of the April 11, 2011 Finance Board meeting; motion seconded by Councilor Valdez.

Roll Call Vote:

Councilors Cory Lewis-No
Councilor Greg Ortega- Yes
Councilor Helen Kain-Salazar- No
Councilor Pedro Valdez- Yes
Councilor Robert Seeds- No

Motion failed 3-2.

Councilor Lewis stated that he was voting in the negative in protest of the fee increase on senior meals at the senior center that was approved at the April 11, 2011 meeting. Councilor Kain-Salazar stated that she voted in the negative as she had not been present at the meeting. Councilor Seeds clarified his vote by stating that he did not believe that the minutes were transcribed verbatim.

Mayor Lucero asked if there were any specific corrections. Councilor Seeds stated that he had several changes. Attorney Frank Coppler was consulted regarding the process of unapproved minutes. He stated that they would have to be brought back to Council at a later date.

Mayor Lucero explained that the approval of the minutes was solely a report on action. Mayor Lucero stated that these minutes would be brought back to Council with councilor corrections.

REPORTS

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

No committees have met this month.

10. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Hands Across Cultures, Fiesta Council)

Councilor Valdez stated that they had been interviewing for the Management position at the North Central Solid Waste Authority. They had interviews with the final four candidates on April 29, 2011 from 9am-12pm. City Manager Lujan stated that there had been 7 initial interviews.

Councilor Seeds stated that Josette Lucero retired from North Central Regional Transit District and a draft had been created to advertise for a new director. Councilor Ortega asked about construction. Mayor Lucero announced that there had been two new bus shelters placed within city limits. Councilor Seeds stated that he had made arrangements to create a pickup location at the Española Hospital. In addition, he asserted that he believes that as gas prices rise, the buses will be used more.

Councilor Ortega reported that Hands Across Cultures would have an Emergency Board Meeting on Thursday, April 28, 2011. As a result of the budget approved by the federal government, one grant will not be funded which will affect the organization extremely negatively. In addition, tickets for a Frito Pie dinner on June 2, 2011 at the Knights of Columbus were on sale to raise money for the organization. Tickets were being sold for \$5.

City Manager Lujan stated that there had been a meeting and a preliminary budget had been put into place. They also discussed working with SF County to maintain their participation. In addition, the E-911 Board was moving forward on the creation of new by-laws.

11. **City Manager, including Finance Report and Staff Reports**

City Manager Lujan stated that they were all set committee meetings in the month of May. The Public Safety Committee would be meeting on Monday, May 2 and Public Works would meet on Tuesday, May 3. In addition, neighborhood cleanups have been taking place and paint has been ordered for the streets.

City Manager Lujan indicated that revenues were down \$308,000 from last month. Mayor Lucero noted that this reflected the business shutdown for the several days in February due to the gas shortage. During the course of the Finance Board meeting, he would like to finalize the budget.

Councilor Lewis stated that he does not see a citation in the Municipal Court report for panhandling although a new ordinance was put into place. Chief Montoya stated that there has been a number of arrests. However, he has found that when they arrest an individual for panhandling, they often remain in jail for an extended period time thereby costing the City of Española more than the amount of the penalty.

Councilor Lujan stated that he feels the elderly must be take care of. Chief stated that they are attempting to enforce this; however, there are several individuals that are cited 1-3 times and the third time means they are arrested. Mayor Lucero stated that the decision is left to the court and that Council does want it enforced. Mayor Lucero asked if Judge Salazar knows this is an issue.

Councilor Kain-Salazar stated that a citizen had contacted her and commented on the fear she was experiencing upon entering Walgreens and Wal-mart. She asked if business managers were going outside and asking people to leave; Chief said it would be nice if manager could go outside and ask people to move on.

Councilor Valdez exited at 7:03pm.

Councilor Seeds stated that he can understand what Councilor Lewis was saying, but he believes that the Chief needs assistance and would like to involve the judge in coming up with a solution. Councilor Lewis stated that he would like to follow-up with the judge on this subject.

Councilor Valdez returned at 7:04pm.

Councilor Seeds followed up by stating that people are intimidated by panhandlers, especially at Walgreens. Councilor Seeds requested that Chief Montoya look into higher fines.

Councilor Valdez asked about the budget and stated that he would like to examine the grant funding. City Manager Lujan stated that some grants do not go into effect until the next fiscal year.

Chief Montoya commented on the Anti-Drug Summit. He stated that no commissions were in place and he had requested commissions from the Sheriff in February. In addition, he had requested them from Ron Madrid of Santa Fe County. However, Mr. Madrid informed him that their machine used to create commission cards was down and would commission the City of Española officers as soon as the machine was repaired. In addition, Chief Montoya stated that he had received offers to buy another K-9. The Northern New Mexico College agreed to assist the Police Department with grant writing and they have had discussions about placing a substation at the college for commanders. In the future, he would like to find a grant to fund an officer for the college.

ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

12. Resolution 2011-05 Repealing and Replacing Resolutions 2010-30; Authorizing the Assignment of Official Representatives and Signatory Authorities for Valley National Bank Accounts.

Mayor Lucero stated that this was formality upon the appointment of a new City Clerk. This gives City Clerk Mascareñas signatory authority on City accounts. The Mayor, Administrative Services Director, and Deputy Clerk had been previously designated.

Motion made by Councilor Ortega to approve Resolution 2011-05; seconded by Councilor Valdez.

Councilor Valdez asked how many signatures were required on checks. Mayor Lucero said two.

Motion carried 5-0.

13. DFA Budget Adjustment Resolution 2011-16: To increase the budget to account for the award of Special Weapons & Tactical Enforcement Grant.

City Manager Lujan stated that in order to expend the funds from the Special Weapons & Tactical Enforcement Grant, the budget must be increased.

Motion made by Councilor Seeds to approve the DFA Budget Adjustment Resolution 2011-16; seconded by Councilor Ortega.

Motion carried 5-0.

Councilor Valdez asked if the employee for this grant was in place. City Manager Lujan stated that no one has been hired yet and the City of Española will have to absorb the position after the grant is over. Councilor Valdez stated that is how troubles with finance arise- someone is hired in accordance with grant requirements and the position is continuous. Chief Montoya stated that they would like to hire someone in-house for the position and give them a raise.

EXECUTIVE SESSION

No Executive Session was needed.

ANNOUNCEMENTS

14. National Homeownership Month events organized by USDA Rural Development with assistance from the City of Española.

City manager Lujan stated that he wanted to inform Council about this event that is along the lines of what the Governing Body has discussed with regards to assistance for lower income citizens. The kickoff would be at a resident's home. After the kickoff, they would go to the Senior Center to make a presentation about the programs offered. In addition, he noted that USDA Rural Development had moved their office from Espanola to Los Lunas.

Mayor Lucero stated that she is glad to see the clinic for veterans has opened at the old Dr. Puro building.

Councilor Ortega stated that he would like to see staff reports from all departments. They may alleviate some questions the council has. City Manager Lujan affirmed that he would make sure they were presented.

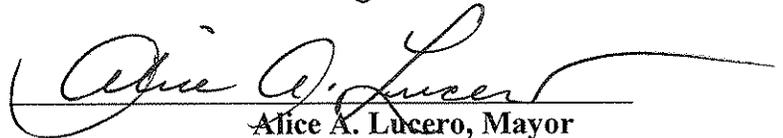
Councilor Seeds asked City Manager Lujan about the status of the swimming pools. City Manager answered they are working on them and had a few issues at Ranchitos; however, they would be ready.

15. ADJOURNMENT

Motion made by Councilor Ortega to adjourn, motion seconded by Councilor Valdez.

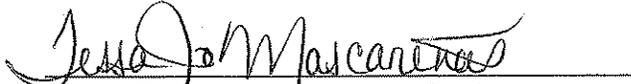
Motion carried 5-0.

APPROVED AND ADOPTED THIS 24th DAY OF May,
2011.



Alice A. Lucero, Mayor

ATTEST:



Tessa Jo Mascareñas, City Clerk

