



**AGENDA**  
CITY COUNCIL MEETING  
NOVEMBER 26, 2012, 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/Invocation.

**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:	Robert Seeds
	Pedro Valdez
	Peggy Sue Martinez
	Cory Lewis
	Eric Radosevich
	Elaine Herrera

**E. APPROVAL OF AGENDA**

Councilor Martinez requested that the sponsorship of Anti Drink/Drug Community Education Program in collaboration with Rio Arriba County be moved up prior to Reports.

*Motion to approve the agenda as amended by Councilor Valdez; seconded by Councilor Seeds.*

*Motion carried 7-0.*

**F. PUBLIC COMMENTS**

There were no members of the public wishing to comment.

**G. COUNCILOR COMMENTS**

Councilor Martinez reminded everyone of the shot clinic at the senior center that began at 9am the following day. She stated that it was co-sponsored by the Department of Health and Rio Arriba County.

Councilor Seeds congratulated the Escalante High School Football Team for winning the state championship.

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

### **1. Presentation of Employee of the Month- Sherri Aragon**

Community Services Director Cata stated that Sherri Aragon had been the Acting Librarian. He stated that she had an extensive library background as she was the former Librarian at the Acoma Public Library. He continued that she had done an excellent job and worked well with staff. He added that she kept programs going and was working on new ones. He stated that he was proud to have her as part of his staff.

Mayor Lucero commented that she had heard nothing but good things and about Sherri Aragon's wonderful attitude. She stated that people were very impressed and pleased with her performance.

### **2. Presentation by Efren Sanchez, Northern New Mexico Youth & Families Against Drugs**

Mr. Efren Sanchez announced that he would like to present a plaque to the City Council and the Municipal Court as a token of appreciation for the support they had provided to the Mini-Walk Against Drugs.

### **3. Confirmation of Appointment of Interim Police Chief (action item)**

Mayor Lucero stated that she would like to appoint Miguel Maez as the Interim Police Chief. She explained that the issue had been discussed at the last meeting, but the appointment had to be ratified.

*Motion to ratify the Appointment of the Interim Police Chief by Councilor Martinez; seconded by Councilor Seeds.*

*Motion carried 7-0.*

City Attorney Coppler mentioned that Interim Police Chief Maez had resigned and the Council would act on the rate of payment.

Mayor Lucero reported that interviews would be held on Friday and she expected to make an appointment shortly thereafter.

## **I. REPORTS**

### **4. Council Committees (Community Services, Finance)**

Councilor Seeds announced that there would be a Toys for Tots event at the Lucero Center on the 15<sup>th</sup> of December.

### **5. City Manager and Staff Reports**

Interim City Manager Duran stated that ASD Sandoval had presented the Financial Report at the Finance Committee meeting. He stated that the General Fund was in the black by approximately \$410,000. He continued that Planning & Zoning had submitted a report to them regarding building, zoning, and sign permits and there had been 23 nuisance complaints.

Councilor Lewis stated that he would like to return 2 items tabled at the Finance Committee meeting to the agenda. Mayor Lucero stated that he would have to do that during a Finance Committee meeting.

## **J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**

### **Sponsorship of Anti Drink/Drug Community Education Program in collaboration with Rio Arriba County- Councilor Peggy Sue Martinez**

Councilor Martinez yielded the floor to Lucy Rendon and Vanessa Gonzales. She stated that they were in attendance to discuss an idea they had for further educating the youth.

Ms. Rendon stated that they were hoping to hold a one day conference for 6<sup>th</sup> graders to promote alternate choices. She stated that they worked directly with the NM Youth Alliance. She stated that they would include underage drinking awareness. She mentioned that they were hoping to get some age appropriate door prizes and the Rio Arriba County DWI budget did not allow for the new project.

Mayor Lucero asked what the sponsorship would involve. Ms. Rendon stated that it would include financial or other support and the City would be part of the planning committee. Mayor Lucero asked if they had a location for it. Ms. Rendon replied that it would be at the Santa Claran Convention Center. She stated that they would have to pay for the food at cost and everything else would be donated. Mayor Lucero asked if they would be getting any money from the DWI prevention program. Ms. Rendon stated that they would purchase packet materials, tshirts, etc.

Mayor Lucero asked ASD Sandoval if the Police Department had any money from the GREAT grant. ASD Sandoval replied in the negative.

Councilor Martinez asked Ms. Rendon how many students would be involved. Ms. Rendon answered that there would be about 750 6<sup>th</sup> graders and the school districts would help with supervision.

Councilor Valdez asked if Rio Arriba County had received funds from the State for the County and City. Ms. Rendon stated that she believed the packet material would be purchased from those funds.

Councilor Martinez stated that \$10,000 had been budgeted for the GREAT Grant. Mayor Lucero stated that the grant money may not have come in.

Mayor Lucero explained that the Anti-Drug Summit Implementation Team had gotten money from HIDTA and suggested that Ms. Rendon and Ms. Gonzales speak with them as well as the Con Alma Foundation.

Ms. Rendon stated that a contribution of \$7,500 would be great but they would take whatever they could get. Mayor Lucero asked how much they were requesting. Ms. Rendon stated that they were requesting \$3,000. Mayor Lucero asked if they could provide an accounting of what the money would be used for. She added that she would be more comfortable if they provided a budget. Ms. Rendon stated that they currently had \$4,300 and if they received more funding than necessary, they could return it to the City.

ASD Sandoval reminded everyone that while this was a very good cause and she was not opposed to it, General Fund monies were public monies and the City could not give it to an organization without specific services to be rendered to the City of Espanola. She stated that this was due to the Anti-Donation Clause of the Constitution. Mayor Lucero stated that we could contribute as a co-sponsor. City Attorney Coppler asked if the money would be going to Rio Arriba County. He stated that if it were, it would not be a violation. He added that Mayor Lucero was correct that ordinarily when a contribution is made to a governmental organization, a budget is required.

Ms. Rendon stated that they were in the early planning stages, but could not finalize their plans without some sort of a commitment. Mayor Lucero asked what date they were planning for. Ms. Rendon replied that they were planning on February 21, 2013.

Councilor Seeds asked how many children in the area would benefit. Ms. Rendon stated that Espanola had about 466 of the 750 6<sup>th</sup> graders. Councilor Seeds stated that the figure would help the constituents understand why they were in support of the measure.

***Motion by Councilor Seeds to co-sponsor the Anti Drink/Drug Community Education Program in collaboration with Rio Arriba County in the amount of up to \$3,000 pending a budget with a true amount; seconded by Mayor Pro-Tem Salazar.***

Councilor Martinez stated that this was very important and something that the City should consider collaborating with the county on for years.

Ms. Vanessa Gonzales explained that she serviced 5 school districts and had to correct students regarding norms. She stated that the program called Protecting Youth taught kids how to be safe when they were in unsafe situations, such as being with intoxicated parents. She stated that it taught brain science. She mentioned that there were instances where 17 year olds were prostituting their body for heroin and this program intervened.

Mayor Pro-Tem Salazar applauded Ms. Rendon and Ms. Gonzales for bringing the effort forward. He stated that he works with kids in such situations and he had found that children learn by example. He reported that often kids believe that negative behavior is normal and do not have anyone to teach them otherwise and this would show them that people care.

***Councilor Seeds exited at 6:51pm.***

Councilor Valdez stated that he was not opposed to the program but felt it would be more appropriate if they let ASD Sandoval look into where the money would come from prior to acting on the measure.

***Councilor Seeds re-entered at 6:52pm.***

Mayor Lucero stated that there was definitely a need for the program and asked if they are involving the Pojoaque schools. Ms. Rendon stated that they were not as the Pojoaque School District was in Santa Fe County.

Councilor Seeds expressed his satisfaction that the City was partnering on a great project with Rio Arriba County.

Interim City Manager Duran stated that this would typically be funded out of the promotional fund. Councilor Martinez stated that if she had known, it would not have been cut. She explained that when they discussed the promotional budget, she felt that lapel pins and educating the youth were apples and oranges. She stated that this should have been communicated better.

***Motion carried 7-0.***

Mayor Lucero thanked Ms. Rendon and Ms. Gonzales.

6. Resolution 2012-15: A City Of Espanola Resolution Adopting The Locally-Preferred Alternative For The Espanola Main Street Study, Control Number 5100041

Mr. Ted Garcia stated that they had been before the council to discuss the issue several times. He reminded the Council that they had attended the last Public Works Committee meeting. He reported that the Council had seen the alternatives. Mr. Garcia stated that they had gone back to the drawing board and analyzed the proposed signal and the options presented were those preferred by the city as far as he knew.

***Motion to approve Resolution 2012-15 by Councilor Valdez; seconded by Councilor Herrera.***

Councilor Valdez stated that they had discussed Santa Clara Pueblo, who had indicated that they would support the City of Espanola on Segment A and would like to see the resolution passed. He specified that this would provide a new bridge.

Councilor Martinez asked for clarification regarding whether there would be a left hand turn onto Bond Street. Mr. Daniel Roybal from DOT stated that there would not be; however,, there would be a left onto Hill Street. Councilor Mrtinez asked if the curb had been modified. Mr. Roybal replied in the affirmative. Councilor Martinez verified that by picking the option, it did not commit the City to the road exchange. Mr. Roybal answered in the affirmative. Councilor Martinez cited Option 2 and asked about the disadvantages that stated that there would be costs of \$40,000.

***Councilor Valdez exited at 7:00pm.***

Mr. Roybal stated that the bridge would have to go thru Santa Clara Pueblo, City of Espanola, and State of New Mexico property and it was possible that the road exchange agreement would not occur. He stated that if that were the case, the State would be responsible for the costs. Councilor Martinez asked what would happen if the resolution was approved and the road exchange did not happen. Mr. Roybal stated that they would be voting on the intersection. He explained that the project had been broken up into 3 segments. Councilor Martinez asked if the option they were looking at connected the Los Alamos Highway with Railroad Avenue. Mr. Roybal stated that where railroad is tied into NM 30, this option functioned well. He explained that the State liked to get traffic through while the City had different purposes. He stated that the options were both acceptable and functional to the State.

***Councilor Valdez re-entered at 7:03pm.***

Councilor Martinez asked if there was a plan regarding the bottleneck on Railroad Avenue. Councilor Valdez stated that they would take portions of it. Councilor Martinez stated that there were 9 properties closer to the road. Councilor Valdez stated that the City would purchase Fine Graphics and already owned the fire station. He stated that this was a \$500,000 project and would help on North Railroad for the College if they built apartments, as was projected.

Councilor Seeds stated that down the road, this could be a great project and asked if more traffic could be generated without the help of the Highway Department.

***Councilor Radosevich exited at 7:08pm.***

Councilor Seeds asked why the City could not partner with the State and make the project beneficial for everyone.

***Councilor Radosevich re-entered at 7:09pm.***

Mr. Roybal stated that the project had begun at the time of the Stanley Griego bridge project. He explained that it had been a much better option to get people into Espanola and had worked well. He stated that the City would have the option to go to the Regional Planning Office and request to get a project on their priority list.

Councilor Valdez stated that Fairview Lane would be another project that the City could take over for improvement. He stated that the much needed lights on Fairview Lane could be placed by the City if this happened. Councilor Martinez stated that she was happy that she and Councilor Valdez finally agreed on something and that was the lights on Fairview Lane. She expressed concern for the high volume of pedestrian traffic. She stated that she did not think that the cut to Railroad Avenue worked for what was currently occurring. She asked what happened to Hunter Lane. Mr. Roybal stated that it would be abandoned. Councilor Martinez stated that she was not ready to make the decision.

Councilor Radosevich asked whether there would be access to the Plaza area as it did not appear as though it had been addressed because there was still no left turn past the light. Mr. Roybal replied that there was no way to put a left turn. Councilor Radosevich stated that there was already a light there. Mr. Roybal stated that they were trying to make the area functional and would have to coordinate the signal at the Stanley Griego Bridge.

Councilor Lewis asked Mr. John Werenko if he would appreciate his business slowing down if this measure were approved. Mr. Werenko stated that he had spoken forcefully a few months prior regarding traffic coming into the plaza. He stated that one option had been a roundabout and it would be helpful if there were a pathway into the plaza.

Councilor Martinez echoed Councilor Lewis' comments and stated that she had heard that the Downtown Action Team was passionate about having access to Bond Street. She stated that she thought it was crazy to build a Convento and then to take the access away. She continued that she understood the State's dilemma, but neither option would work for her. Mr. Garcia stated that both options provided access to the Convento and drivers would just have to interpret the joints correctly.

Councilor Valdez stated that he wanted everyone to look at the pictures with an open mind. He explained that there would be a left turn onto Hill Street and Bond Street would be open.

Councilor Seeds stated that he did not believe that they had addressed their concerns. He stated that if he were a tourist and there was not a left turn into the Convento, he would forget about it and continue going. He acknowledged the fact that they had worked hard, but stated that those were probably the worst designs that he had seen in the project.

Councilor Martinez stated that it was important to take into consideration that the people on Hill Street would not appreciate additional traffic.

***Motion failed 6-1, with Councilor Valdez voting in the affirmative.***

Mr. Roybal stated that they had received a clear message and would take another look at the options. He stated that he would love to do something in Espanola, but would like to have it done to everyone's contentment. Mayor Lucero stated that she did not want to lose the money and asked if they could get us something back quickly. Mr. Roybal stated that there was always a no build option.

Mr. Werenko commented that all of his conversations had always been from outside the plaza. He suggested that they come and meet with him and Community Services Director Len Cata and get a perspective from inside the Plaza.

***Councilor Lewis exited at 7:24pm.***

Councilor Valdez closed by stating that the City had nearly \$3 million dollars available and the Highway Department would not wait. He stated that they would move the money to another area that wanted it.

***Councilor Lewis re-entered at 7:25pm.***

7. Request by Cultura Promotions for the City of Española to Co-Sponsor two (2) events in 2013

Mr. Tomas Martinez stated that he would like to present a donation to Ms. Rendon and Ms. Gonzales for the DWI program for 6<sup>th</sup> graders.

He stated that Cultura Promotions had held its first annual car show on August 4<sup>th</sup>, 2012 with over 312 participants and well over 3,500 spectators. He reported that the event had gone well and had no issues and because of that, Lowrider magazine had approached them to be partners in coordinating 2 shows in 2013. He explained that they had contracted to do a car show at Buffalo Thunder Resort on April 14<sup>th</sup> and would no longer be requesting co-sponsorship for the April 14<sup>th</sup> event.

Mr. Martinez stated that they were hoping to hold the 2<sup>nd</sup> Annual Mainstreet Showdown de Espanola on August 3, 2012 and were requesting co-sponsorship. Mayor Lucero stated that it was excellent that Lowrider magazine had been so impressed and sanctioned the 2013 event. She announced that they would continue holding monthly meetings and then weekly meetings.

***Motion to approve Co-Sponsorship of the 2<sup>nd</sup> Annual Mainstreet Showdown de Espanola Car Show by Councilor Lewis; seconded by Councilor Radosevich.***

Councilor Martinez congratulated Cultura Promotions on their success and requested that the funds go to a recreation program within the city to help underprivileged children unable to get in to use the gym or pool. She suggested tying free usage of the gym to school attendance. Mr. Martinez explained that that was their intention when they first founded Cultura Promotions. He continued that, historically, lowriders had been regarded negatively and there was a large group of people in the lowrider culture from different walks of life who wanted to create an atmosphere to help the youth.

Mayor Lucero asked who else they had donated money to. Mr. Martinez stated that they had given money to the YMCA, the Northern Boys & Girls Club, and had helped with medical expenses of a fellow Car Club member's wife who was diagnosed with cancer.

Mr. Martinez stated that they wanted to be able to have a beer garden once again. Mayor Lucero asked about the liquor license. Mr. Martinez replied that they were in talks for that purpose.

Councilor Lewis asked who the main contact for Cultura Promotions was. Mr. Martinez stated that it was Mr. Eppie Martinez, but any of them would be able to answer questions. Councilor Radosevich asked if they would be using the same person's liquor license. Mr. Martinez stated that they had spoken with a gentleman who was not using his license.

Mayor Pro-Tem Salazar congratulated Cultura Promotions on a job well done and for bringing Espanola into a positive light. He stated that he had not been invited to the pool party held the week after by the Mayor for Cultura Promotions. Mr. Martinez stated that Cultura Promotion had held that event to thank the City staffers and there had been open invitations sent to the public. Mayor Pro-Tem Salazar and Councilor Martinez stated that they had never heard about it.

Councilor Martinez stated that she believed the beer garden should be brought back at another time. Mr. Andres Valdez explained that Premier Distributing had provided \$15,000 worth of trophies as a part of their sponsorship. He stated that there would be 79 categories and the amount of the sponsorship would double in size. He added that without them, it would be difficult to have a show. Councilor Martinez asked if Cultura Promotion was a non-profit organization. Mr. Martinez replied in the affirmative.

Councilor Seeds expressed his belief that Councilor Valdez would not have made the motion to approve the co-sponsorship if he had known that it included a beer garden.

Councilor Radosevich stated that the beer garden had been done the previous year and had gone smoothly and problem-free. Councilor Lewis asked what it had cost the City. Mayor Lucero replied that it had cost manpower; however, revenues had gone up during that time. Mayor Lucero stated that everything that was donated was in-kind.

Councilor Martinez asked what other entities had done security at the show. Mr. Martinez stated that they had used ProSec, New Mexico State Police, and the Santa Fe Sheriff's Department.

***Motion carried 7-0.***

**8. Seed Money for Mayor's Youth Alliance Organization – Councilor Peggy Sue Martinez**

Councilor Martinez stated that when she had this idea, she called it an alliance not knowing there had been a resolution adopting a youth council. Mayor Lucero explained that the original intent had been to provide alternate activities for youth.

***Councilor Herrera exited at 7:41pm.***

Mayor Lucero stated that she had planned that the group would hold fundraisers for whatever activities they planned. She expressed confusion as she had not intended to provide funding to them as there were several committees that the City did not fund.

Councilor Martinez telephoned Adrian Carver from the New Mexico Youth Alliance for more detail regarding the establishment of a Youth Council. Councilor Martinez stated that she wanted to let the Mayor know that she had no idea what the concept was and since the responsibility had fallen on her, she had done what she could. She stated that she believed that they could positively strengthen the youth to make decisions and interact with the Governing Body.

Mr. Carver stated that he was with the NM Youth Alliance which was a statewide youth advisory council. He explained that they work with people throughout the state to increase the youth voice. Mr. Carver thanked the Governing Body for giving him the opportunity to speak and applauded the efforts of the previous council that passed the resolution. He stated that he was happy to hear that Espanola was moving forward on the project. Mr. Carver announced that he was a product of a youth council and had been provided with opportunities. He added that the largest obstacle to the success of a youth council was usually monetary.

***Councilor Radosevich exited at 7:46pm.***

Mr. Carver stated that the youth council should ensure that the ability to contribute financially should not serve as a barrier to their involvement. He stated that the membership should be a true representation of the community, not just those who could afford to travel, bring food, etc. He requested that the Council approve a stipend for a volunteer to manage the logistics. He stated that a large portion of the money would fund a community project chosen by the youth. He cited an Anti-Smoking campaign in Farmington as an example. Mayor Lucero asked how other youth alliances were funded. Mr. Carver replied that what typically happened was that the City Council allocated a dollar amount that was overseen by a liaison.

***Councilor Radosevich re-entered at 7:50pm.***

***Councilor Herrera re-entered at 7:50pm.***

Councilor Martinez thanked Mr. Carver for the information. Mr. Carver offered New Mexico Youth Alliance support for the youth council.

Councilor Seeds asked how many kids were involved. Councilor Martinez stated that the resolution had been adopted in August of 2010 by the previous administration and Ms. Marcella Gurule had attempted to get it off the ground. She suggested that a lack of funding may have been a contributing factor to the lack of success. She expressed her hope that they would be off the ground by January. Councilor Martinez stated that the start-up process would include applications and the youth would govern themselves.

Interim City Manager Duran asked if the City would be donating to a government agency or if the measure would conflict with the Anti-Donation clause. Mayor Lucero replied that Mr. Carver was advising Councilor Martinez and the group would be a non-profit to provide youth with training and leadership skills. She explained that the group was really an appointed council by the Governing Body. Interim City Manager Duran asked if there was any way for the group to fundraise. Mayor Lucero stated that the City could provide the Senior Center for a breakfast as there had been youth councils in the past that were self funded. She stated that they would first have to be appointed.

Councilor Martinez asked Mr. Carver if he had any idea whether this would create an Anti-Donation situation. Mr. Carver stated that the expenditure would not be a donation as the money would pay for a stipend for the facilitator's time. He stated that the money would also go to some logistical expenses. Councilor Martinez stated that it would pay a youth mentor to organize a meeting and get everyone together. She explained that the most important aspect was to allow the youth to have a voice.

Councilor Seeds expressed his confusion and asked how the City could help. Councilor Martinez stated that she had been informed that seed money had been used in every entity. She continued that this was not the first time someone had come to the Council for seed money.

Mayor Pro-Tem Salazar stated that in 2010, Ms. Marcella Sandoval had worked hard to bring the youth council together and there had not been enough youth interested. He stated that he felt confident that this could be done and encouraged the Governing Body to support it.

Councilor Valdez stated that matter of this type should be taken to committee where they can be discussed. Councilor Lewis stated that some items do not get placed on the agenda. Councilor Martinez stated that the

item had gone through committee. She added that she had not gone around anything or played any kind of game.

Councilor Valdez stated that the item had been brought up without any information regarding what was involved money-wise. He stated that he believed it should have gone to the Community Services committee where people could get involved. Mayor Lucero stated that there was an issue with that fact that an amount was not specified and there was no budget outlining projected expenses. She added that a youth council had not yet been appointed.

Councilor Martinez stated that amount had been discussed during the Finance Committee. She announced that she was requesting \$5,000. She explained that they did not yet have a budget because the Mayor had asked her to run with the project and she had accepted. She stated that the reason she had not defined a budget was because she did not feel as though it was proper for her to dictate to the youth where the money would be spent. She stated that she had come to this conclusion following the presentation from the Attorney General's office regarding conflicts of interest.

Mr. Carver stated that \$5,000 had been the typical amount with a portion for a stipend and the remaining money for projects. He stated that the reason there was not specific people in place was that without any action or money from the council, it was a shallow promise to recruit the kids. He stated there were 30 young people who had expressed interest in serving on the council.

Councilor Martinez stated that she was not sure if anyone was prepared to make the commitment. She asked Mr. Carver if he and a colleague could attend a Council meeting and bring potential youth council members. Mr. Carver stated that he would be interested in doing so.

Councilor Martinez stated that she had invited 2 young women that had attended the New Mexico Youth Alliance Conference with her. One had strep throat and the other did not have a ride. She stated that it did not make sense to rush and she would rather have more information and be educated about the decision.

*Councilor Lewis exited at 8:09pm.*

*Motion by Councilor Martinez to table the item until the next meeting; seconded by Councilor Seeds.*

*Motion carried 6-0.*

9. Contract with Dan Cron for Municipal Judge, Stephen Salazar

City Attorney Coppler stated that the Municipal Judge had contacted the Finance Committee with regard to the fees associated with some Judicial Standards Commission cases. He stated that the pending matters had been resolved in his favor in the interim; therefore, Municipal Judge Salazar's request for assistance along the line of fees was withdrawn. City Attorney Coppler stated that some time prior, Municipal Judge Salazar had been subject to a proceeding where he was given a mentorship that helped him significantly because he was able to get ongoing advice on his management of the Municipal Court. He stated that the mentor was no longer available.

*Councilor Lewis re-entered at 8:11pm.*

City Attorney Coppler stated that Municipal Judge Salazar was requesting \$5,000 from the Municipal Court budget to be used to hire Dan Cron for services. He stated that the money was available and pursuant to that, he had sent the Judge a scope of services by email.

Mayor Lucero asked if this measure would require the City to go out to bid. City Attorney Coppler stated that because a small amount was requested, it would not require going out to bid. Mayor Lucero verified that Judge Salazar simply wanted to do a budget adjustment to provide for this contract. Municipal Judge Salazar stated that he had the money available so it would not require a budget adjustment.

***Motion by Councilor Seeds to approve the \$5,000 expenditure for the Contract with Dan Cron; seconded by Councilor Valdez.***

Councilor Seeds stated that he felt it was important for Municipal Judge Salazar to have some type of legal advice in special circumstances. He stated that this may help to avoid questions or problems in the future.

Councilor Martinez asked if it was feasible to consider ending the contract at the end of the fiscal year. Mayor Lucero stated that she felt that was reasonable. Municipal Judge Salazar agreed that the intent of the email had been for one fiscal year.

***Motion carried 7-0.***

#### 10. Budget Adjustment Request- Addition of Temporary Janitorial Position

Municipal Judge Salazar stated that he had appeared before the finance committee the previous Tuesday. He stated that he had been ill during the finalization of the budget. He thanked the Council for the addition of monies for janitorial services. He stated that, in the interest of respect, he wished to appear before the Council to make them aware of his plans. He explained that, rather than hire a contractor, he would submit a budget adjustment request so he could hire a temporary employee for janitorial work. He stated that the position would be part time and would not carry any benefits. Municipal Judge Salazar assured the Council that the bottom line would not change. He stated that although he was the Department Head and an elected official, he had requested to go before the Council in the interest of transparency.

Mayor Lucero stated that it was customary to go thru the council.

***Motion by Councilor Valdez to approve the budget adjustment request for the addition of a temporary janitorial position; seconded by Councilor Seeds.***

Councilor Martinez congratulated the Municipal Court staff for keeping up the janitorial duties all along.

***Motion carried 6-1, Councilor Lewis voted in the negative.***

#### 11. Revised Policies and Procedures for the Plaza Lease Agreement

***Councilor Seeds exited at 8:24pm.***

***Councilor Lewis exited at 8:24pm.***

Mr. John Werenko stated that the original agreement signed a year and a half prior had assigned rental contract responsibilities to him.

***Councilor Lewis re-entered at 8:35pm.***

Mr. Werenko stated that although he was not an employee of the City, he wanted to carry out his responsibility efficiently. He stated that he had noticed some anomalies in previous Policies and Procedures so he submitted a new set to the Council. Mr. Werenko pointed out that he had created a flow chart regarding who would be responsible for what. He stated that he could not collect money on behalf of the City and would send people to City Hall to pay the cashier. He explained that a copy of the contract would be returned to him and he would place the event on the community calendar. He stated that there had been some disagreement regarding signature authority on the license agreement. Mr. Werenko reported that the Community Services Committee had recommended that the Community Services Director sign them. Mayor Lucero stated that it was the responsibility of the City Manager to sign contracts and as such, the City Manager should be listed.

***Councilor Seeds re-entered at 8:28pm.***

Mayor Lucero explained that Interim City Manager Duran needed to be informed for liability purposes. Mr. Werenko asked whether he would need to send it to Interim City Manager Duran. Mayor Lucero stated that he would approve it and the original signed contract should go to the City Clerk.

Councilor Seeds explained that the Committee had wanted to simplify the process.

City Attorney Coppler suggested that Community Services Director Cata be allowed to sign the contracts when Interim City Manager Duran was not available. Community Services Director Cata stated that they often had not gotten documents back after sending them to the former City Manager. He stated that he just wanted clarification regarding the process.

Councilor Martinez asked whether there was a master calendar at City Hall. Mr. Werenko stated that renters began the process with him and he kept a master calendar.

***Motion by Councilor Martinez to approve Revised Policies and Procedures for the Plaza License Agreement with contracts requiring the signature of the City Manager and Community Services Director when the City Manager is unavailable; seconded by Councilor Valdez.***

Councilor Seeds stated that it was the goal of the Council to make things as easy as possible. He stated that if the measure would work, he would support it.

***Motion carried 7-0.***

## 12. Española Memorial Wall Commission By-Laws

Community Services Director Cata stated that the only amendment to the by-laws was that members should be ratified by the Governing Body and elected by the Veterans Memorial Wall Commission.

Mayor Lucero noticed another change on page 2. She stated that they had added that only members that served in the military would have a vote.

***Motion by Councilor Martinez to approve Espanola Memorial Wall Commission By-Laws; seconded by Councilor Valdez.***

*Motion carried 7-0.*

*The meeting was recessed at 8:38pm.*

*The meeting was called back into session at 8:42pm.*

### 13. City Employees One-time Cost of Living Adjustment

Mayor Lucero stated that the Governing Body had been presented with 3 proposals. Interim City Manager Duran stated that this issue had been presented to the Finance Committee. He stated that they had been given options for 3%, 4%, and 5% one-time cost of living adjustments (COLA). He stated that he was recommending a 5% one-time COLA increase. He stated that the City had been unable to give raises during the past 7 years.

ASD Sandoval stated that DFA had instructed the City by memorandum on May 22, 2012 that one time temporary salary increases were allowable only if there had been a documented understanding and the employee had been assigned a specific task. She stated that general across the board increases were not permitted. ASD Sandoval cautioned the Council to be careful that the City did not fall into the bonus category.

Mayor Lucero stated that the Council needed to be clear that this would be a cost of living increase, not a bonus.

Interim City Manager Duran stated that in order to avoid this being a bonus, the City would have to provide a percentage. City Attorney Coppler stated that the Extra Compensation Clause in the constitution stated that extra compensation could not be provided after services were rendered. He stated that the City was allowed to provide something for future services, such as a COLA and this would avoid the question of an Extra Compensation Clause violation.

***Motion by Councilor Valdez to approve a one-time 5% COLA to all employees across the board based on gross income to be taxable; seconded by Councilor Herrera.***

City Attorney Coppler asked whether the COLA would be 5% of the net or 5% of the gross income. Mayor Lucero stated that it would be the gross income because the amount would be taxed.

Councilor Martinez stated that employees in the Planning & Zoning Department had recently received a 10% increase and adding a 5% COLA would create a 15% increase. She stated that she would like to see some type of merit based increase for people and pay raises that were based on performance and commitment to the job. She stated that she felt for City employees and thought that 7 years without a raise was way too long. Councilor Martinez stated that Espanola had become a training ground for other entities and she wished to avoid investing in people that were not going to stick around.

Councilor Seeds stated that he had approached the issue cautiously because of past economic times. He stated that he was worried about the next year and had struggled trying to fight for the lower paid employees. He expressed his hope that the Council could find a happy medium. He stated that it broke his heart for firefighters to make the low amount they were making. He suggested increasing the COLA amount for the lower paid employees and minimizing the amount for higher paid employees even though they may have gotten specialized training.

Councilor Martinez stated that she would like to propose a tiered system whereby any employees making under \$30,000 would receive a 5% COLA, employees making up to \$45,000 would get a 4% COLA, and anyone else

making more than that would get a 3% COLA. She stated that the amount would be helpful as many employees received the added benefit of not having to commute to work.

IS Manager Joaquin Maestas applauded the effort to help the lower paid employees. He cautioned Councilor Martinez that when examining the way the firefighters were paid, the tiered levels of compensation would hurt them as they would end up in the middle tier. He stated that people making larger amounts, instead of getting what they had earned and studied to pay for, would get penalized.

IS Manager Maestas stated that he had been employed by the City of Espanola for 11 years and had not heard conversation about compensating employees in 6-7 years. He reminded the Council that while merit increases were allowed, the increases needed to be funded. He stated that Councilor Seeds had a good point when stating that no one was sure what the new year would bring; therefore, it was important that the employees get something.

Councilor Radosevich stated that if the City could afford it and it would not do any damage, the employees deserved it.

Mayor Lucero stated that during the next budget process, the Council could examine a recurrent COLA.

Councilor Radosevich stated that it was only fair to give the same percentage because the higher paid employees had gone to school and educated themselves. Councilor Valdez stated that all employees had put in a lot of work and it was not right to say one person did not deserve the COLA.

Councilor Seeds stated that by Councilor Martinez' estimate, each employee would get the same amount. He stated that he had been talking about raises for a long time and he was glad it would be a reality. Councilor Seeds vowed that if the Council voted on a measure with minimal impact to the budget, he would sponsor an across the board increase during the next fiscal year.

Mayor Pro-Tem Salazar asked whether the COLA would include court employees and exclude elected officials. Mayor Lucero replied in the affirmative. City Clerk Mascarenas asked if the Council intended to include temporary, seasonal, and probationary employees. Mayor Lucero stated that it did not seem fair to give the COLA to someone who was hired recently as other employees had worked hard all year. Councilor Lewis stated that all employees should get the COLA in an effort to be fair.

Councilor Herrera reminded everyone that the cost of living had gone up for everyone. She stated that to punish the higher paid employees did not make sense. She explained that she had conducted research that showed that the cost of living had risen 9% to 41.6% during the years that the employees had not gotten raises. She stated that the price of gas had increased by 41%.

Councilor Herrera stated that raises should be given in FY 14 based on performance.

Councilor Martinez stated that she had run the numbers regarding the same percentage for each employee. She stated that she had found that that someone making \$70,000 would get about \$3,500 and she could not see herself approving it. She stated that she could not see how any employee could be disgruntled as long as they got something and reminded everyone that the new fiscal year was in 6 months.

Councilor Lewis stated that he would like for temporary employees to be included and asked how many there were. City Clerk Mascarenas stated that there were 13.

ASD Sandoval stated that if employees received the same amount, it was a bonus which was illegal and unconstitutional. She explained that this was the reason that the City had to decide on a percentage. She stated that if it were going to be done legally, a percentage needed to be set.

Community Services Director Cata stated that he had 6 temporary employees whose positions had been cut during the budget process. He expressed his belief that to exclude those employees was unfair. Councilor Martinez asked where the rest of the temporary employees worked. City Clerk Mascarenas stated that there were a few at the Senior Center and in Public Works.

Councilor Martinez stated that if some people were talking about being legal, the Council should consider making the COLA recurring.

Councilor Seeds stated that he agreed with Councilor Lewis and the Council should not send a message to temporary employees that they were not valued.

Lieutenant Ron Padilla stated that the Fire Department had 3 probationary employees and excluding them would send a message that they were not a part of the family. Councilor Radosevich stated that it was unfair to exclude anyone on probation. Councilor Herrera asked ASD Sandoval if her numbers included temporary and probationary employees. Councilor Martinez stated that she understood what Lt. Padilla was saying but she would hope that the Council would think about giving the COLA upon completion of the probationary period.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	Against
Councilors:	Robert Seeds	Against
	Pedro Valdez	In Favor
	Peggy Sue Martinez	Against
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

***Motion carried 4-3.***

Mayor Lucero stated that the staff would get their check the following Friday.

14. Overall Pay Increase for City Employees

Mayor Lucero stated that this issue had been discussed during the budget process. Councilor Seeds stated that he was unsure as to whether the Council was prepared to discuss the issue.

***Motion by Councilor Martinez to table the item until the FY14 budget process; seconded by Councilor Herrera.***

Mayor Pro-Tem Salazar stated that a yearly evaluation should be done and a raise given based on employee performance. Mayor Lucero replied that that would be the ideal situation.

Councilor Valdez stated that he had to leave due to an emergency in El Quique. He stated that 150 people were out of gas.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	Against
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

*Motion carried 6-0.*

*Councilor Valdez exited at 9:10pm.*

15. Energy Conservation Administrative Leave

Interim City Manager Duran stated that during the holiday season, most employees would be taking leave. He stated that he was recommending the approval of administrative leave for 5 days. He stated that a skeleton crew would be available to provide emergency services, if needed.

Councilor Martinez asked if the requested days were paid by the City without annual or sick time being used. Interim City Manager Duran replied that those days would be given to the employee. Councilor Martinez stated that it was important to recognize that this was public money and it was not right to pay people to do nothing. She stated that no one ever walked into her barbershop and handed her money for not doing a haircut. She asked what would happen to the Police Officers. Interim City Manager Duran stated that they would get leave following the holiday period. Councilor Seeds asked the amount of employees who would have annual leave. Interim City Manager Duran replied that there was 80%. Councilor Seeds suggested requiring employees to use their leave time.

Councilor Radosevich asked which days were normally scheduled days off. He stated that he could understand having 1 energy conservation day. He continued that the State did not close for 5 days and the Los Alamos National Laboratory required its employees to use their leave time. Interim City Manager Duran stated that it had been administered previously where the employees were required to use their leave time.

Councilor Lewis asked if there was an estimate of how much money would be saved. Interim City Manager stated that the gas had been reduced from \$10,000 to 0 and the electrical had been reduced by \$6,000.

Councilor Martinez suggested allowing employees to borrow time if they did not have it as they were not expecting this. ASD Sandoval replied that the City did not have a mechanism for advancing pay or leave time. ASD Sandoval suggested a combination of energy conservation days and leave days.

Councilor Seeds stated that perhaps the City could form a skeleton crew for the people who did not have the time. He stated that he had been in favor of this in the past.

*Motion by Councilor Martinez to approve 5 energy conservation days requiring employees to take leave time with the provision that any temporary employees or employees without leave may work on a skeleton crew, have hours donated or take leave without pay; seconded by Councilor Radosevich.*

IS Manager Maestas requested that the Council consider a compromise. He stated that part of the reason that many people worked for the City was because Espanola was a tight knit community. He stated that spending time with family during the holidays had been a benefit that the employees had enjoyed for many years. He continued that he would like to request at least Christmas Eve and possibly the Friday prior. IS Manager Maestas explained that the numbers saved on energy were significant and with 1 or 2 employees only at City Hall, service would not be provided to the public.

Councilor Seeds asked if employees would be allowed to donate leave time. IS Manager Maestas stated that he was not aware of a mechanism to do so. Mayor Lucero pointed out that the Governing Body could approve such a policy at the next meeting. IS Manager cautioned that there were existing union contracts in place. He explained that they did not have a mechanism to provide temporary and probationary employees with leave because there was a union bank. He stated that their contract guaranteed them certain things and anything that would interfere with the administration of the contract, would violate state law.

Mayor Lucero stated that she would like to give staff the opportunity to research and review a policy that would not violate the contracts. Councilor Seeds commented that his stance was always to help the employees and suggested that the union step up and change how they do business.

Councilor Radosevich stated that he could understand allowing 2 days of leave as they were continuations of the weekend.

Mayor Lucero mentioned that these days would be very unproductive. Councilor Martinez stated that if the staff were given 5 days of energy conservation leave, they would get an 11-day break. She stated that she was not willing to amend her motion.

Councilor Radosevich rescinded his second of the motion.

Councilor Seeds stated that the employees should come up with the leave time for Wednesday, Thursday and Friday. He stated that even if this were not approved, everyone shut down at noon on Christmas Eve and New Year's Eve.

*Motion seconded by Councilor Seeds.*

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	Against
Councilors:	Robert Seeds	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	Against
	Eric Radosevich	Against
	Elaine Herrera	Against

*Motion failed 4-2, with Councilor Seeds and Councilor Martinez voting in the negative.*

*Motion by Councilor Radosevich to approve energy conservation days on December 24<sup>th</sup> and December 31<sup>st</sup> and to allow any employees to take leave during the remaining 3 days requested; seconded by Councilor Seeds.*

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

***Motion carried 5-0.***

16. Memorandum Of Understanding Between Rio Arriba Adult Literacy Program, Inc. and the Espanola Public Library

Community Services Director Cata stated that the MOU was with the Rio Arriba Adult Literacy Program which was in the process of getting started. He stated that the library would host tutors and students.

***Motion by Councilor Seeds to approve the MOU between the Rio Arriba Adult Literacy Program and the Espanola Public Library; seconded by Councilor Lewis.***

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

17. Resolution 2012-16: City Sponsored Charitable Events- Councilor Robert Seeds

Councilor Seeds explained that he had requested that City Attorney Coppler look into some type of resolution as the City often supports non-profit organizations. City Attorney Coppler stated that there are times when questions are regarding city sponsored charitable events. He explained that the reason for this was the fact that donations made to the City are public money and public money cannot be used in violation of the Anti-Donation Clause.

***Councilor Herrera exited at 9:47pm.***

City Attorney Coppler stated that this resolution would require that any charitable organization file a report of expenditures with the City Clerk when City funds are donated. He stated that Charitable Solicitations Act enforced by the Attorney General's office did the same thing as the resolution except it exempted educational organizations. He stated that this resolution would not distinguish between organization types and would require that anyone receiving City monies provide a report.

Mayor Lucero stated that she thought this was an important resolution. Councilor Seeds stated that he thought it was a good start and added that he was also concerned that the City could not support entities financially without it being considered a violation of the Anti-Donation Clause. City Attorney Coppler stated that the Anti-Donation Clause within the Constitution of the State of New Mexico prohibited this.

***Councilor Herrera re-entered at 9:50pm.***

Councilor Seeds stated that when a group left the City, they represented the City and he would hope that the City could sponsor them financially. City Attorney Coppler stated that he would be glad to meeting with Councilor Seeds to review the history of expenditures. He stated that he did not recall sanctioning sending people on private trips. Councilor Seeds cited little league competitions in other communities where the City

funded travel. City Attorney Coppler stated that Lodger's Tax could be used; however, the funds had to be tied to the promotion of lodging facilities of the city.

***Motion by Councilor Seeds to approve Resolution 2012-16; seconded by Councilor Lewis.***

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

18. Consideration of change from Finance Committee to Finance Board to handle all finances in City-  
Councilor Robert Seeds

Councilor Seeds stated that he had been discussing this for many years and the Council needed to get a hold of the finances. He stated that things were set up where the City Manager could spend money without the Council knowing. He stated that he did not want to control the money, but oversee it. He added that there had been 6 Councilors at the Finance Committee meeting previously and requested input from the Council.

Mayor Lucero explained that the way the committee structure had been set up, each Council member would sit on 2 committees. She stated if this were done, 3 Councilors would only be on 1 committee. She added that the Governing Body had a Finance Board by state law and could meet as a full board as needed. She stated that she did not see a problem with having a Finance Committee and then having Finance Board meetings as needed.

Councilor Lewis stated that he agreed with Councilor Seeds. Mayor Pro-Tem Salazar stated that he agreed with Councilor Seeds and the Council dealt with the money so it was important that everyone know everything going on with finance.

***Motion by Councilor Seeds to approve the change from Finance Committee to Finance Board to handle all City finances; seconded by Mayor Pro-Tem Salazar.***

ASD Sandoval requested clarification as to whether she was correct that when a motion was made during the Finance Board and passed, it no longer had to be repeated at the next Council meeting. Councilor Seeds replied in the affirmative.

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

***Councilor Martinez exited at 9:58pm.***

19. Review for Publication of RFP for Grant Writer/Financial Advisor

City Attorney Coppler stated that he wanted to make sure he followed up regarding the RFP. Mayor Lucero stated that it took a lot of preparation to complete an RFP and the City Attorney had done so.

City Attorney Coppler stated that the way it was written, it would be published 5 times.

20. Acting Police Chief Salary- Councilor Robert Seeds

Councilor Seeds stated that he did not believe that there was a need for this item any longer.

ASD Sandoval stated that she believed that the annual leave payout needed to be discussed.

Mayor Lucero explained that Interim Police Chief Maez had resigned as of December 8<sup>th</sup> and he had received an increase in salary to \$60,600 for the additional duties of Police Chief. She stated that there was a question as to whether he would be paid for his 348 hours of annual leave under the new salary or under the salary prior to his temporary appointment as Police Chief.

Councilor Radosevich stated that he should get his annual leave payout at his last salary. City Attorney Coppler suggested the acceptance of Chief Maez' resignation \with the provision that his annual leave be paid at the rate of Sergeant.

Councilor Lewis asked why Interim Chief Maez was earning \$60,000 vs. \$71,000. He stated that it would make sense to pay him what the previous Acting Chief had made. Mayor Lucero stated that pay was based on experience and the initial salary. She explained that the previous Acting Chief had received a 20% increase while Interim Police Chief Maez had received a 25% increase in addition to the 10% increase he had received when he was moved to CID. She stated that she had met with Interim Police Chief Maez and he had not requested any additional money.

***Motion by Councilor Seeds to accept the resignation of Interim Chief of Police Miguel Maez with the provision that his annual leave payout be paid at the rate of CID Sergeant; seconded by Councilor Radosevich.***

***Motion carried 5-0.***

**K. EXECUTIVE SESSION**

There was no need to enter into Executive Session.

**L. ANNOUNCEMENTS**

There were no announcements.

**M. ADJOURNMENT**

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

***Motion carried 5-0.***

***The meeting was adjourned at 10:19pm.***

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

APPROVED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Alice A. Lucero, Mayor

ATTEST:

\_\_\_\_\_  
Tessa Jo Mascareñas, City Clerk