AGENDA
CITY COUNCIL MEETING
MAY 27, 2014, 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

Please turn off cell phones or set to silent mode

C. 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:	Pedro Valdez
Councilors:	Cory Lewis
	Michelle R. Martinez
	Dennis Tim Salazar
	Adrianna T. Ortiz
	Peggy Sue Martinez
Absent:	John Hernandez
	Eric Radosevich

E. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval:

---Begin---

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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/ ANNOUNCEMENTS
H. MATTERS FROM THE MAYOR (ACTION ITEMS)
1. Proclamation Sri Chinmoy Oneness-Home Peace Run

I. CONSENT AGENDA
2. 4.8.14 City Council Meeting Minutes

J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)
3. Approval of Resolution 2014-08: Approving of Preliminary Budget for FY 2014-15

4. Approval of Resolution 2014-09: A Resolution Recognizing The Existence Of Severe, Extreme And Exceptional Drought Conditions In The City Of Espanola; Prohibiting The Sale Or Use Of Certain Fireworks Within The City During The Continuation Of Drought Conditions; Prohibiting The Possession Or Use Of Fireworks In The Espanola Bosque Area And On Lands Owned By The City; And Authorizing Officers Of The City To Enforce The Prohibition On Sale Or Use Of Fireworks By Appropriate Action
5. Approval of Carnival Contract between City of Espanola and Bennett Amusement Inc. for Española Fiestas
6. Consideration of Rio Arriba County Adult Detention Center Inmate Housing Contract Agreement
7. Consideration of City Manager Contract

K. 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.

L. ADJOURNMENT

---End---

Councilor Salazar requested that Item 5 be moved to the top of the list of Items for Council Consideration/Discussion Items.

Motion by Councilor Lewis to approve the agenda as amended; seconded by Councilor Michelle R. Martinez.

Motion carried 5-0.

A. PUBLIC COMMENTS

There were no members of the public wishing to comment.

B. COUNCILOR COMMENTS/ ANNOUNCEMENTS

Councilor Lewis reminded everyone that the American Cancer Society Relay for Life event would take place on June 6, 2014.

Councilor Michelle R. Martinez announced that she would be holding a second town hall meeting on June 4, 2014 at 6pm at the Senior Center.

Mayor Pro-Tem Valdez noted that the Public Works Committee would have a meeting on Wednesday, June 5, 2014 at 6pm.

Councilor Peggy Sue Martinez entered at 6:03pm.

Councilor Peggy Sue Martinez wished all of the recent graduates the best of luck. She welcomed back the students that were home for summer vacation.

C. MATTERS FROM THE MAYOR (ACTION ITEMS)

Mayor Lucero announced that she had issued a proclamation for the Sri Chinmoy Oneness Home Peace Run. She reported that the City of Española had been designated as a Peace Blossom City.

D. CONSENT AGENDA

1. 4.22.14 City Council Meeting Minutes

Motion by Mayor Pro-Tem Valdez to approve the Consent Agenda; seconded by Councilor Salazar.

Motion carried 6-0.

E. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS (ACTION ITEMS)

2. Carnival Contract

Community Services Director Mark Trujillo stated that there was a small change to the contract from prior years in that the City of Espanola would receive an additional $1,000.

Motion by Councilor Lewis to approve the Carnival Contract; seconded by Councilor Peggy Sue Martinez.

Councilor Lewis stated that Mr. John Ramon Vigil had presented the contract to the Community Services. He expressed the belief that the contract would be a good thing because the company was local.

Motion carried 6-0.

3. Approval of Resolution 2014-08: Approval of Preliminary Budget for FY 2015

ASD Sandoval stated that the preliminary budget had been discussed at the Finance Board meeting and she and Interim City Manager Duran had been tasked with making the necessary changes to present a balanced budget from a $50,120 deficit.

Motion by Mayor Pro-Tem Valdez to approve the preliminary budget; seconded by Councilor Lewis.

ASD Sandoval reported that the City had reduced the E-911 Center administrative fee in order to assist them with a deficit years ago. She stated that because the Interim City Manager Duran was a member of the E-911 Board, the City had a corresponding Memorandum of Agreement where the county charged the City an administrative fee of 5%; therefore, the City decided it was fair to have a corresponding fee.

Mayor Lucero stated that, according to the Joint Powers Agreement (JPA), the administrative fee should not exceed 1%. She stated that the copy had last been revised on July 25, 2013. ASD Sandoval replied that the administrative fee had been in excess of 10% in past years.

Mayor Pro-Tem Valdez stated that because this was preliminary budget, he would like to put the 1% under special use permits.

Councilor Peggy Sue Martinez stated that the Department of Finance & Administration (DFA) had a copy of the JPA; therefore, we could not leave the budget as it was.

Councilor Lewis agreed with Mayor Pro-Tem Valdez.

Councilor Peggy Sue Martinez commented that she would be against that. She stated that it would be $82,000 of revenue the City was counting on that had not yet been passed by resolution. She declared that it was very important to balance the budget so the Council would not be depending on money they were not sure of.

Mayor Lucero reminded everyone that this was a preliminary budget. Councilor Peggy Sue Martinez stated that she was aware of that but was still not comfortable with the suggestion.

Mayor Pro-Tem Valdez stated that every option had been investigated and the money was not there. He stated that the special use permits were the one item where the money might be made up.

Councilor Ortiz clarified that the addition to the special use permits would be from the proposed resolution for oversized load permits. Mayor Pro-Tem Valdez stated that there were several different types of permits. She stated she would like to have a more concrete answer before rendering a decision.

ASD Sandoval suggested going right into furloughs if the Council could not make a decision. She curbed her remarks by stating that she knew it was not a favorable choice and no one liked to make that decision. She stated that she, like other people, lived paycheck to paycheck. ASD Sandoval stated that when one examined the size of the budget they found that it was a $10 million budget and $7 million went toward people costs.

Councilor Peggy Sue Martinez stated that she was looking at different things. She stated that postage had risen to $15,000 when the City had used $4,000 during the year of an election. Councilor Peggy Sue Martinez continued that if that was the only solution the Finance Director could come up with, she was not looking for other options. ASD Sandoval reported that the Finance Board had met the previous week and had caved at 10pm with a deficit in excess of $50,000.

Councilor Peggy Sue Martinez cited page 25 and stated that there was a $10,000 discrepancy. ASD Sandoval stated that there was no issue with the enterprise funds.

Councilor Michelle R. Martinez asked Municipal Judge Stephen Salazar about the possibility of Teen Court fees being raised. ASD Sandoval stated that they had been increased by $5,000. Councilor Michelle R. Martinez stated that raising the amount would yield a larger increase than projected. Judge Salazar stated that there had been forty (40) referrals from January through April. He stated that he was making a conservative estimate. He reported that there were no projections at Carlos Vigil Middle School. Judge Salazar added that the Court employees had suggested creating a truancy class as they currently had a shoplifting intervention class and a DWI class.

Judge Salazar stated that Teen Court fees could be increased another $2,000. He asked Councilor Lewis to place the item on the agenda for the Public Safety Committee.

Councilor Peggy Sue Martinez stated that the money had not been included for the School Resource Officer (SRO). She stated that she had been told that the Española Public Schools funded the position in the amount of $32,000.

Interim City Manager Duran stated that there was no charge for floodplain management certificates of elevation. He stated that Planning & Zoning issued about 100 annually and could charge $30 each. He added that raising the cost of abandoned buildings would result in $15,000.

Councilor Lewis asked if this increase would be enforced. Interim City Manager Duran stated that it could be enforced; however, the previous Council had required them to halt the practice. Councilor Lewis stated that he did not mind approving the additional fees as long as the departments adhered to them.

Mayor Pro-Tem Valdez asked if it was possible to add the SRO. He expressed the belief that Councilor Peggy Sue Martinez' suggestion was the best option as they would be sure of it.

Mayor Pro-Tem Valdez stated that since 2011, Municipal Court revenues had decreased from $400,000 to $100,000.

Councilor Michelle R. Martinez stated that she would like to see something more concrete prior to approving an increase in fees. Mayor Pro-Tem Valdez stated that this was a preliminary budget that was sent to the state and following its approval, the Council could deal with changing the actual ordinances.

Councilor Peggy Sue Martinez verified that $32,000 was the correct figure for the SRO. Mayor Lucero replied in the affirmative. She suggested that in order to make up the remaining money, abandoned building permits be raised to $8,000 and the Teen Court fees be raised by $2,000.

Motion withdrawn by Mayor Pro-Tem Valdez; second withdrawn by Councilor Lewis.

Motion by Mayor Pro-Tem Valdez to send the preliminary budget with the changes to DFA; seconded by Councilor Peggy Sue Martinez.

Motion carried 6-0.

4. Resolution 2014-09: A Resolution Recognizing The Existence Of Severe, Extreme And Exceptional Drought Conditions In The City Of Espanola; Prohibiting The Sale Or Use Of Certain Fireworks Within The City During The Continuation Of Drought Conditions; Prohibiting The Possession Or Use Of Fireworks In The Espanola Bosque Area And On Lands Owned By The City; And Authorizing Officers Of The City To Enforce The Prohibition On Sale Or Use Of Fireworks By Appropriate Action

Deputy Fire Chief Eric Tafoya stated that he would like to impose the resolution to protect the community. He stated that conditions being what they were, this would be the best option.

Motion by Councilor Lewis to approve Resolution 2014-09; seconded by Councilor Peggy Sue Martinez.

Motion carried 6-0.

5. Consideration of Rio Arriba County Adult Detention Center Inmate Housing Contract Agreement

Director of Public Safety Eric Garcia stated the approval of this contract would reduce the cost of inmate care.

Councilor Lewis thanked Director of Public Safety Garcia for working on this. He cited Section 2(C), which only referenced Magistrate Court. He stated that the City needed the officers to go to Municipal Court in order to increase revenue. Director of Public Safety Garcia replied that he agreed; however, Sections A and B covered that.

Attorney John Appel opined that it would not be harmful if in each instance where Magistrate Court was named, Municipal Court be named as well. Director of Public Safety Garcia stated that he would request that change from Rio Arriba County.

Motion by Councilor Salazar to approve Rio Arriba County Adult Detention Center Inmate Housing Contract Agreement as amended; seconded by Councilor Lewis.

Councilor Peggy Sue Martinez stressed the importance of utilizing GPS systems. Director of Public Safety Garcia stated that he had reached out to a local business and would be drafting a Memorandum of Understanding on the issue. He stated that the cost savings of that would be substantial.

Motion carried 6-0.

F. 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.

Motion by Councilor Peggy Sue Martinez to enter into Executive Session; seconded by Councilor Michelle R. Martinez.

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	In Favor
Councilors:	Cory Lewis	In Favor
	Michelle R. Martinez	In Favor
	Dennis Tim Salazar	In Favor
	Adrianna T. Ortiz	In Favor
	Peggy Sue Martinez	In Favor

Motion carried 6-0.

The Governing Body entered into Executive Session at 6:57pm.

Motion by Councilor Peggy Sue Martinez to exit Executive Session; seconded by Councilor Lewis.

Roll Call Vote:

Mayor Pro-Tem:	Pedro Valdez	In Favor
Councilors:	Cory Lewis	In Favor
	Michelle R. Martinez	In Favor
	Dennis Tim Salazar	In Favor
	Adrianna T. Ortiz	In Favor
	Peggy Sue Martinez	In Favor

Motion carried 6-0.

The Governing Body exited Executive Session at 7:34pm.

No action was taken in executive session.

Mayor Lucero stated that negotiations would continue with a candidate for City Manager.

G. ADJOURNMENT

Motion by Councilor Lewis to adjourn; seconded by Councilor Peggy Sue Martinez.

Motion carried 6-0.

The meeting was adjourned at 7:35pm.

APPROVED AND ADOPTED THIS 24th DAY OF JUNE, 2014.

Alice A. Lucero, Mayor

ATTEST:

Tessa Jo Mascareñas, City Clerk

CITY OF ESPAÑOLA SEAL NEW MEXICO