

CITY COUNCIL MEETING
MONDAY FEBRUARY 28, 2011 6:00 PM
COUNCIL CHAMBERS AT CITY HALL
405 N. PASEO DE OÑATE ESPAÑOLA, NM

CALL TO ORDER

The meeting was called to order at 6:00pm with the following in attendance:

Mayor: Alice A. Lucero

Mayor Pro Tem: Cecilia Lujan

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

City Manager: James V. Lujan

City Attorney: Frank Coppler

Staff: Len Cata, Community Services Director; Leo Montoya, Chief of Police; Nicole Romero, Police Department; Shane Hernandez, Police Department; Jose Talachy, Police Department; Jack Casias, Police Department; Karl Romero, Police Department; Russell Naranjo, Planning and Zoning Director; Ron Archuleta, Finance Department; Armando Rodriguez, City Clerk's Office; Jessica Martinez, City Clerk's Office

PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

MOMENT OF MEDITATION/ INVOCATION

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

ROLL CALL/ DETERMINATION OF QUORUM

Councilor Valdez, Councilor Salazar, and Mayor Pro Tem Lujan were absent.
Roll call determined a quorum was present.

APPROVAL OF AGENDA

Mayor Lucero presented the agenda for approval.

- 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. PUBLIC HEARINGS

1. Request for Transfer of Ownership of Dispenser License #0516 from Michael Hindi to Western Refining Southwest, inc DBA Giant Store #6862. The location of this License will remain at 1616 N. Riverside Dr. Española, NM 87532.
2. Appeal by Property Owner, Bernadette Archuleta, to the Planning and Zoning Commission's denial of her request to allow a third residential structure at 1213 Taos Lane, Española, NM 87532

H. COUNCILOR COMMENTS

I. MATTERS FROM THE MAYOR

3. (To be taken from the table) Appointment of a Commissioner to the Planning and Zoning Commission
4. Employee of the Month Award

J. BUSINESS WITH VISITORS

5. Presentation by Brenda Romero, Española Hospital Administrator
6. Presentation from Kathy Garcia, Presbyterian Hospital, regarding Healthy Trails Program
7. Request for Co-Sponsorship from Lisa Duran, Relay for Life
8. Request for Co-Sponsorship from Larry Martinez, Corvette Club
9. Presentation from David Maestas regarding savings on Jemez Electric Coop services

K. CONSENT AGENDA

10. Approval of Minutes; November 22, 2010 City Council Meeting
11. Approval of Minutes January 18, 2011 Workshop
12. Approval of Minutes; January 25, 2011 City Council Meeting

L. REPORTS

13. **Council Committees** (Public Safety, Public Works, Community Services, Finance)
14. **Council Appointed Liaison** (NCSWA, NCRD, E911, Youth Advisory, Hands across Cultures, Fiesta Council, Regional Development Corporation)

15. **City Manager and Staff Reports**

16. **Finance Report**

M. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

17. Annual Financial Report-Fiscal Year ended June 30, 2009
18. MOU with Española Public Schools-K9
19. Public Safety Directives Police Canine (K-9) Unit Policy
20. (To be taken from the table) Fairview Road Exchange Agreement as recommended by Public Works Committee
21. DFA Resolution 2011-13 NMDOT Cooperative Agreement SP-5-11(141)
22. DFA Resolution 2011-14 E911 Decrease in Budget Revenue
23. DFA Resolution No. 2011-15- Renovation for the Municipal Court at the Flour Daniels Building

N. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

O. ANNOUNCEMENTS

P. ADJOURNMENT

Mayor Lucero asked that item 9 be moved up to item 3 as well as item 20 right after. Mayor Lucero stated that she would report on gas crisis under Matters from the Mayor. Councilor Garcia asked if Planning and Zoning Commissioner was still on. Mayor Lucero stated that it would be removed from the table but the individual she wanted to appoint changed their mind.

Councilor Ortega made motion to approve, seconded by Councilor Garcia.

Motion carried 5/0

Councilor Seeds stepped out at 6:02 pm.

PUBLIC COMMENTS

There were no comments.

PUBLIC HEARINGS

Request for Transfer of Ownership of Dispenser License #0516 from Michael Hindi to Western Refining Southwest, inc DBA Giant Store #6862. The location of this License would remain at 1616 N. Riverside Dr. Española, NM 87532.

Mayor Lucero stated this was not a new License. She stated that Giant was operating under a Lease from Mr. Hindi and would now purchase the License.

Mayor Lucero opened the Public Hearing at 6:04pm.

Susan Odem, who was here on behalf of Giant, stated that she stood for any questions.

*Mayor Pro Tem Lujan entered at 6:05pm.

Mayor Lucero closed the Public Hearing at 6:05pm.

Councilor Seeds returned at 6:06 pm.

Councilor Garcia recused herself from voting as her family also owned a license.

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

Roll Call vote

Motion carried 5/0

Appeal by Property Owner, Bernadette Archuleta, to the Planning and Zoning Commission's denial of her request to allow a third residential structure at 1213 Taos Lane, Española, NM 87532

Russell thanked the Governing Body. He stated that this was originally heard by the Planning and Zoning Commission back in 2008 and was appealed to the Governing Body. He stated that the appeal was denied. Russell stated that the applicant applied again in July 2010. He stated that the applicant wished to place a third home on a 10,000 square feet lot. He stated that the Planning and Zoning Commission denied the request. He stated that Staff was unable to determine how two of the hooks ups were formed. Russell referred to packet information given to the Governing Body.

Mayor Lucero opened the Public Hearing at 6:11pm.

Bernadette Archuleta stated there were some discrepancies. She stated that there had always been a mobile home there. She stated that she was still struggling with what she was allowed to put there. She stated that this was not a new lot and there was space there. Ms. Archuleta stated that utilities have been there since the former owner.

Jason Archuleta stated that he was the other owner of the property. He stated that all infrastructure was in place. He stated that it looked hideous as an empty lot. He stated that bringing in another home may bring in money for his mother. He stated that another home always existed since the 70's.

Mayor Lucero closed the Public Hearing at 6:15pm.

Councilor Kain-Salazar referred to the aerial view photo of the property and asked Russell if all other homes around were in compliance. Councilor Kain-Salazar asked if only 1 building was allowed in this size of lot. Russell answered yes.

Councilor Ortega stated that Russell gave couple of exceptions. He asked if it would be feasible to put in a 12x40 home. Ms. Archuleta stated that it would be the same size that was there. She stated that there was enough parking for all homes.

Mr. Archuleta stated that a 14x50 home was what was there before.

Councilor Ortega asked if they had considered a 12x40. He stated that there was a lot going on but in an effort to compromise. He stated that setbacks were a concern here. Councilor Ortega stated that with a 12x40 home setbacks would work.

Mr. Archuleta stated that they wanted full use of enjoyment. Councilor Ortega stated that he understood but we all have to follow certain rules.

Councilor Seeds asked if this property had signs up for neighbors to know. Russell answered yes signs were put up and it was properly advertised. Councilor Seeds asked if there was any pads on lot. Russell stated yes from what was there before. Councilor Seeds stated that was probably not an 80x40 home. He stated that he agreed there should not be any parking on the street but we needed to work with people. He stated that he thought we were headed in the right direction. He stated that he would be in support of adding a 12X40 home.

Mayor Lucero stated that apparently the second structure was approved in the 70's and was probably conforming then. She stated that there was safety issues, emergency vehicles needed to be able to get in.

Mayor Pro Tem Lujan stated that she recommended the Archuletas put in a smaller unit-12x40. Mayor Lucero stated that you can tell that a home was there before.

Councilor Lewis made motion to overrule the Planning and Zoning Commission decision with the condition that no structure larger than 12x40 was put in, seconded by Mayor Pro Tem Lujan. Councilor Ortega asked that dedicated parking was allowed within lot be added in to the conditions as well.

Motion carried 5/1. Councilor Garcia voted against.

COUNCILOR COMMENTS

Councilor Ortega stated that the Governor appointed Councilor Garcia to the Board of Regents for Northern New Mexico College. Mayor Lucero congratulated her, stating that she was sure she would do well.

Councilor Seeds stated that with the ordeal our community went through with the gas outage, he felt the City needed to look into filing a class action suit against New Mexico Gas Company (NMGC). He stated that he feared it would happen again. Mayor Lucero stated that the Mayors of the effected areas have met and were looking into that. She stated that the Governing Body would discuss in Executive Session.

Councilor Garcia concurred with Councilor Seeds. She thanked all volunteers and staff that helped. She stated that Espanola knew the true meaning of neighborhood. She stated that she was told by people at the Red Cross that they were impressed by the community coming together and that as many places as they had been our community was one of the most caring and helping communities they had seen.

Mayor Lucero stated that she would just give her report now that the Governing Body was on the topic. She started by thanking all volunteers. She stated that if it wasn't for Governor Martinez, our community would have been without gas for longer. Mayor Lucero stated that Mike Dubal called everyday from Homeland Security.

She stated that she believed that NMGC was very negligent. She stated that they didn't take the help that was offered to them by local plumbers. She stated that they waited six to seven days to ask instead. Mayor Lucero stated that she and others expressed their concerns but NMGC has an attitude of

indifference. She stated that NMGC set aside \$1 million to pay claims but she told them that was not going to be enough. Mayor Lucero stated that she asked that NMGC be held accountable and provide more relief. She stated that Senator Bingaman asked for more money from El Paso as \$1 million would not cover the over 800 claims. Mayor Lucero stated that NMGC, Transcontinental, and El Paso Gas were all asked to contribute. She stated that NMGC blamed the electric company; the electric company blamed NMGC for not being prepared. She stated that they needed an effective plan; mapping and contact information needed to be updated.

Mayor Lucero thanked staff and the City Manager for coming together. She stated that the General Services staff prepared facilities. She stated that even though we had to spend some money, staff worked all weekend. She stated that staff coordinated a shelter with the Red Cross. She stated that James met with Rio Arriba County and the National Guard, who came in and put up a shelter at the Armory. She stated that the shelter had 10-20 people that stayed there. Mayor Lucero stated that she was at the Shelter a few times. She stated that people from the community came in and helped deliver food to people that were unable to cook. She stated that she was proud to see how the community came together. Mayor Lucero stated that the Espanola Public Schools (EPS) provided food and local restaurants and Walmart donated various things. She stated that as Councilor Garcia stated the Red Cross was impressed with the community. She stated that we were people that took care of people. She stated that it could have been more of a crisis had people not come together.

Mayor Lucero stated that there would be a newsletter with information for where to apply for assistance. James stated that in the Council packets there was information on where people could apply as well.

MATTERS FROM THE MAYOR

Swearing in of K9

Chief Montoya introduced officers Nicole Romero, Shane Hernandez and Jose Talachy, who just started after completion of the Police Academy.

Councilor Seeds asked how long the academy was. Chief stated it was 21 weeks.

Mayor Lucero stated that the K9, Gabanna, was paid for by EPS.

Judge Salazar sworn in K9.

**Councilor Ortega made motion to approve the Public Safety Directives-Police Canine (K-9) Unit Policy, seconded by Councilor Garcia.
Motion carried 6/0**

Fairview Road Exchange

**Councilor Kain-Salazar made motion to remove from table, seconded by Councilor Ortega.
Motion carried 6/0.**

James stated that this item was tabled at the last meeting because people were not present from New Mexico (NM) Department of Transportation (DOT).

Miguel Galbadon, District 5 Engineer, and Phil Gallegos, Assistant Field Engineer were present.

Mayor Lucero asked about lighting and repaving of the road before it was turned over to the City. Mr. Gallegos stated that exchange agreement did not include that. He stated that it would cost \$250,000.

*Councilor Valdez entered at 6:47 pm.

Mayor Lucero asked about the bridge, would the City assume all liability. Mr. Gallegos answered yes. He stated that overall was sound structure. He stated that the City would be responsible. Mayor Lucero asked for confirmation that this was just to take over and it didn't mean the City would have access to any driveway; that would still have to go through the Federal DOT. Mr. Gallegos stated that was correct but NMDOT would assist with the application since they were already familiar with the process.

Councilor Valdez stated that City has been ignored. He stated that there were other areas that needed attention. He stated that this would be a high cost to the City that we could not afford. He stated that he felt the State and Federal DOT should be responsible for the bridges. He gave the Onate Bridge as an example; the bottom was falling apart. Councilor Valdez stated that DOT should give Espanola more attention. He stated that DOT put in medians where business owners were upset. He stated that because of that the businesses have issues. He stated that there were people that have gone some place else to bank because it was too hard for them to get into Bank of America. He stated that he would be presenting on that at a meeting tomorrow.

Councilor Seeds stated that his concern was that he didn't want to burden further generations. He stated that the City did not have money to fix it if it were broken. He stated that 40 years from now, our children and other generations would be burdened with them. Councilor Seeds stated that the money that was paid to the state in car registration fees could go to a better use. He thanked NMDOT for the offer.

Councilor Ortega made motion to deny, seconded by Mayor Pro Tem Lujan.

Mr. Gallegos stated that they were fine if the City did not want to take over the property but stated that this was in lieu of debt that was owed. He stated that NMDOT would be invoicing the City \$325,000. Councilor Seeds asked about the timeframe of the last debt. Mr. Gallegos stated that it was for the Hernandez Project where they reinstalled utilities as per agreement from Oct 26, 1999. He stated that it was completed in about 2001.

Seeds stated that he understood we had to pay our debt.

Motion carried 7/0

Mayor Lucero stated that the City would follow-up with a meeting to discuss debt. Mr. Gallegos stated that in reference to the Onate Bridge, there was a road exchange agreement program. He stated that they had not been able to complete it yet because of superfund site.

Seeds asked there could be a sit down meeting to discuss other issues. Mr. Galbadon stated they were always willing to meet with local agencies.

Councilor Valdez stated that he had been on the Governing Body throughout the past 24 years, and NMDOT said there would be money but they diverted the money from here to make the road between Farmington and Albuquerque. He stated that at the superfund site they could dig about 16 feet before hitting contamination. Councilor Valdez stated that those were things that he wanted NMDOT to give Espanola attention on. He stated that people had to go through Espanola to get anywhere and NMDOT should pay more attention to us.

Mayor Pro Tem Lujan stated that one issue was McCurdy road. She stated it was a dangerous street to drive on because people use it instead of Riverside. She stated that she truly requested their assistance.

Mayor Lucero stated that last year in April they had a meeting. Mayor Lucero stated that there were funds for Cities to maintain roads. Mr. Galbadon stated that there were such Maintenance Agreements but for cost. He stated that it became a budget issue. Mayor Lucero stated that the main streets in Espanola were state roads that the City cleans, etc. She stated that she would like to see one of those agreements come to the City. She stated that the City needed to buy a bigger street swiper, and would be able to buy one with an agreement. Mr. Galbadon stated that would be a benefit to both agencies.

James stated that anytime he called the NMDOT Alcalde office they responded and helped. Mr. Galbadon stated that they extend the same, now and in the past year.

(To be taken from the table) Appointment of a Commissioner to the Planning and Zoning Commission

Item deleted from agenda.

Employee of the Month Award

Mayor Lucero asked Karl Romero to come forward. She stated that former Chief, Joe Martinez, nominated Karl for Employee of the Month before he left. Chief Montoya stated that on Jan 27, 2011 Joe nominated Karl. He stated that he agreed Karl deserved it. Karl stated that he gives parking tickets and accident citations. Mayor Lucero asked Mona Romero, Karl's grandmother, to join him. Mayor Lucero read aloud the award of Employee of the Month of February. She presented Karl with the award and check for \$50.

BUSINESS WITH VISITORS

Presentation by Brenda Romero, Española Hospital Administrator

Mayor Lucero stated Brenda was out of town and would not be here to present.

Presentation from Kathy Garcia, Presbyterian Hospital, regarding Healthy Trails Program

Kathy Garcia gave a power point presentation on the Healthy Trails Program in the Valley. She stated that she was happy to have Vince from Planning and Zoning help with the maps. She asked if we could get this information on the City website. She stated that guides were available at any medical provider in the Espanola area.

Ms. Garcia asked the Governing Body for help to get signs at trails that listed the length of the trail. She stated that maybe Paseo and Industrial Park road could be used as trails.

Vince thanked Kathy and all the volunteers for their effort.

Councilor Kain-Salazar thanked Ms. Garcia and stated that she was glad she came to present. She asked if any of the trails were dangerous. Ms. Garcia stated there were chances of wildlife at the Black Mesa trail.

Ms. Garcia asked the Governing Body to let people know about the program.

Mayor Pro Tem Lujan stated that it was a worthwhile project.

Councilor Seeds asked about a cost for the signs. Ms. Garcia stated that it could be a little plague. She stated that she thought she could get them for less than \$300.

Request for Co-Sponsorship from Lisa Duran, Relay for Life

Louanna Martinez, Rosanna Valdez, Yvonne Trujillo and Lisa Duran and Monica presented. Lisa Duran, Chair, stated Relay for Life had been in the Valley since 2006. She stated that the 2nd Saturday in June was the date of the Relay for Life at Espanola Valley High school. She stated that it would start at 6:00pm and end at 6:00am. She stated that they would like to use the Senior Center. She stated that they would provide food. Yvonne Trujillo stated that last year the winds were bad and they lost a few canopies. She stated that they just asked for use of the building.

Mayor Lucero stated the request was for use of Senior Center on June 10th from 4:00-8:00 pm.

Councilor Valdez made motion to approve, seconded by Councilor Seeds.

Motion carried 7/0

Request for Co-Sponsorship from Larry Martinez, Corvette Club

Larry Martinez stated that have the Corvette Club had a community here. He stated that they would like to hold their 5th annual event at the Convento. He stated that the Los Alamos, Santa Fe, and Albuquerque clubs always joined the event. He stated that it would take place on June 4 and asked if for use of the Convento on the 5th as well for a rally.

Mayor Lucero asked if it would be the Plaza area only. Mr. Martinez stated yes, they would park around the Plaza not on the lawn. He stated that the event was a Show and Shine where members show off their cars as they were proud of their cars. He stated that the Club also wanted to hold a Swap Meet and asked that the City co-sponsor. He asked that the City allow use of the Park and Ride lot for a day on the weekend.

Mayor Lucero asked that giftshop and Mision be opened on those 2 days.

Councilor Seeds stated that it was nice have a local group showing off American muscle. He stated that the Hunter building was ours now and it could be utilized.

Councilor Seeds made motion to approve co-sponsorship of both events, seconded by Councilor Valdez.

Councilor Valdez stated that officers need to be a bit friendlier than they were last year. Mayor Lucero stated that she would let Chief know to make officers aware.

Motion carried 7/0

Larry stated that they would call the Swap Meet the 1st annual to see if it would catch on as an annual event.

Councilor Lewis asked how many people they anticipated would be here. Mr. Martinez stated between 75 and 100 people.

Presentation from David Maestas regarding savings on Jemez Electric Coop services

David Maestas presented a letter in the Governing Body packet. He stated that he went to PRC and asked how they determined what rate structure to put the City on. He stated that the City was set up as Large Power Service not Municipality. He stated that simply changing the rate structure would help lower that bill. He stated that traffic signals costs were \$21,000. He stated that we needed to use energy efficient light bulbs. Mr. Maestas stated that there was no usage on some for over 2 years and that needed to be corrected. He stated that there were several locations that still had electricity, such as the jail. He stated that he had a detailed list of what the City was being billed for. He stated that he could get a 25% savings, or about \$15,000- \$20,000. He stated that he anticipated about 6 months to get this all done. He stated that the national fee for services was 50% but he was only asking 35%.

Councilor Kain-Salazar asked if it was that simple to just change light bulbs. Mr. Maestas stated that he didn't know how simple it was to do that, as he didn't know the price for bulbs but would look into that as part of work.

Mr. Maestas stated that he was close to finishing with the phone audit. He stated that he was working with Ron on getting codes set up for employees.

Councilor Valdez asked Marvin if Jemez was putting energy lights in when one went out. Marvin stated no. He stated that Industrial Park had LED but not any other ones.

Seeds asked if it was not stipulated in the Franchise Agreement that they needed to come to the Governing Body. Marvin stated that hadn't seen anything.

Mayor Lucero stated that Industrial had LED but we should have asked NMDOT to have LED lighting.

Frank asked Mr. Maestas how many months would he bill 35%. Mr. Maestas stated that about 6 months.

Mayor Lucero stated she and the City Manager were working on the Jemez Franchise.

CONSENT AGENDA

Approval of Minutes; November 22, 2010 City Council Meeting

Approval of Minutes January 18, 2011 Workshop

Approval of Minutes; January 25, 2011 City Council Meeting

Councilor Garcia made motion to table minutes from November 22 and January 25 till next meeting, as the Governing Body had not had the opportunity to review them.

Motion carried 7/0

Councilor Ortega made motion to approve January 18, 2011 minutes, seconded by Councilor Garcia.

Motion carried 7/0

Mayor Lucero asked that the Governing Body bear with City Clerk as she was doing her best but was really busy.

REPORTS

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

Mayor Pro Tem Lujan stated that Public Safety Committee would be meeting on March 7.

Councilor Kain-Salazar stated she wasn't sure if there would be a Public Works Committee meeting this month.

Councilor Seeds stated that in reading through minutes he noticed that the Governing Body discussed the median in front of Bank of America quite a bit. He stated that the City needed to do something. Mayor Lucero stated that the City didn't have authority. Councilor Kain-Salazar stated that NMDOT was at the Public Safety Committee meeting and they said they would not do anything about it. Councilor Seeds suggested that we needed to find out why it happened in the first place. He stated that this was our City. Councilor Kain-Salazar stated that there was a letter from Byford to NMDOT that stated that intersection was not safe and that was why it was put in. She stated it was determined it was unsafe. Councilor Valdez stated they sent someone just to listen and not to make any decision. He stated that we needed the Governor to put in a Commissioner that would assist us. Mayor Lucero stated that perhaps the City could have a meeting with the new Secretary.

Councilor Ortega asked if we could appeal to our Legislators. Councilor Seeds stated maybe this was a learning experience for staff to let us know about things like this as they were happening.

Councilor Garcia stated that she and Finance staff were planning meetings for a whole week this month to go over the new fiscal year budgets.

Council Appointed Liaison (NCSWA, NCRD, E911, Youth Advisory, Hands across Cultures, Fiesta Council, Regional Development Corporation)

NCSWA-James stated that the Governing Body was all at meeting with Rio Arriba County last week. He stated that he would be meeting with County Manager Tomas Campos and they would discuss what funding was available.

RTD- Councilor Seeds stated that bidding process has taken place for the new building. He stated that a contractor from Albuquerque was chosen. He stated that he was concerned about GRT but learned it would be sent to us. He stated that as far as a big bus with only a few people, that couldn't be predicted. Councilor Ortega stated that has seen drivers on cell phones and that was a major concern.

Hands across Cultures-Councilor Ortega stated that he didn't get on the mailing list for the last meeting.

Fiesta Council-Councilor Garcia stated Fiesta Council would be choosing La Reina and Onate soon.

Mayor Lucero stated that Councilor Garcia can not be representative for the Regional Development Corporation because she was an appointed official.

*Mayor Pro Tem Lujan left the meeting at 8:03pm.

City Manager and Staff Reports

James stated that staff was cleaning up and he was allowing Park and Ride to use the parking lot at the Hunter building for overflow. He stated that the State donated ten gallons of paint.

James referred to packet information stating there was a 50% savings with the new geothermal system.

Councilor Seeds stepped out at 8:05 pm.

Councilor Lewis stepped out at 8:05 pm.

Councilor Seeds and Councilor Lewis returned at 8:07pm.

James stated that the City would try to claim the broken broiler on insurance from the gas outage. He stated that he thought it was due to cold caused by not having gas.

James stated there were some concerns about a report where there were some pay raises. He stated that there were not raises but he had shuffled around positions and some increases due to additional job duties.

Councilor Garcia stepped out at 8:09pm.

James stated that he had met with the union and discussed and these were changes made in compliance with the Union Contract and Personnel Policy. He stated that some of the positions needed to be filled and could not sit vacant, for example Payroll. Councilor Valdez stated that he was concerned about the money that was increased. He stated that he would like to see increases go to Finance Committee.

Councilor Valdez asked about the old Post Office. Councilor Kain-Salazar stated the Art Center was moving in and invited the Governing Body to go out there. Councilor Valdez stated that he hated to see this in Sun and stated that there had to be some sort of courtesy for staff to let the Governing Body know. Mayor Lucero stated that staff did need to keep the Governing Body informed. James stated that with all due respect, Committees did not meet and payroll needed to be filled as employee was on FMLA. He apologized for having to read it in the Sun.

Councilor Garcia returned at 8:11 pm.

Councilor Valdez stated that the City Manager could have sent an email. Mayor Lucero stated that these were not pay raises but were increases due to additional duties. She stated that the Sun chose to report differently anyways.

Councilor Seeds stated that in the last administration the Mayor did what he wanted, he didn't want the same thing to happen. He stated that the fault was on the last Mayor for getting the City in the position we were in. He asked why we owed NMDOT so much. He stated that there needed to be a process or the City would get in debt even more if it continued this way. Councilor Seeds stated that every one of the employees deserved a raise as all were doing extra duties. He stated that he hoped everyone would listen to what he was saying. Mayor Lucero stated that with all due respect, the City Manager has rules and regulations and Union Contracts that give him the authority to make these decisions and the Governing Body could not micro-manage. She stated that the City was saving money and being accountable. She stated that we were saving \$400,000 this fiscal year and was looking at the bottom line dollar. She stated that if she felt there was something not right, she would bring it up to him and the Governing Body. Councilor Seeds stated that the Governing Body was the policy maker. Mayor Lucero stated there was a Personnel Policy in place. She stated that the Governing Body set policy and now need to follow it.

Finance Report

Ron referred to monthly report in Council Packet. He stated that revenue went down but expenditures were also down. He stated that staff was making diligent efforts to cut spending.

Councilor Garcia stated that GRTs would be down because of gas outage and asked how would we prepare for that. Ron stated that staff needed to slow spending. He stated that payroll was down last month. Ron stated that he would process only purchases that were absolutely necessary.

Councilor Garcia asked if we were going to submit a claim for the gas outage as we needed to be sure to do that. Mayor Lucero stated that she brought that up at a meeting with New Mexico Gas Company. She stated that they quickly responded that the company was not going to pay that much. Mayor Lucero stated that she spoke with Pablo Sedillo and Ben Ray Lujan, but they haven't heard of any funding. She stated that she didn't know if we would ever come back. Ron stated that we wouldn't know, till GRTs come in, how much of an impact the outage had.

Seeds stated that the Governing Body had talked about this before. He stated that it seemed like staff had to figure how to get by each month. He stated that maybe we needed a workshop to try and generate new business in this area. Councilor Seeds stated that we were getting deeper into debt and we needed to figure a way to get businesses in. Mayor Lucero stated that it was a sign of the times.

Mayor Lucero stated that Planning and Zoning was charged with bringing in businesses. Councilor Seeds stated it would be a good move to work with our neighbors- the Pueblos. He stated that events at the Santa Claran wouldn't bring in GRTs but would bring people to the area.

Councilor Lewis stated that there were several groups that wanted to play at the Plaza on the weekends. Mayor Lucero stated that received calls that Andrew did not answer or return calls. She asked Len to check into that.

ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

Annual Financial Report-Fiscal Year ended June 30, 2009

Mayor Lucero stated that there was a letter in packet from the State Auditor regarding the 08-09 Audit. Councilor Seeds asked for a workshop to go through it. Mayor Lucero stated that we hired George to work strictly on the audit. She stated that once that audit went through, staff would answer all exceptions. She stated that she could hardly wait for that to happen.

Ron stated that staff couldn't start on 2010 till 2009 was approved and released. He stated that now that it was, staff was ready to move forward. He stated that they had a comprehensive plan to get out of disclaimers. He stated that he was very confident the City would get out of them. Mayor Lucero stated that staff was addressing every item. Ron stated staff was working this week to get them done.

Councilor Valdez made motion to approve, seconded by Councilor Garcia.

Councilor Valdez stated that there were things in the findings that needed to be addressed. Ron stated yes, the list spelled out the cause and recommendation to resolve. Councilor Valdez asked that staff discuss those findings and how to resolve them.

Motion carried 5/1, Councilor Seeds voted against.

MOU with Española Public Schools-K9

James yielded to Frank who put together the MOU. Frank stated that the MOU provided for use of the K9 at the schools. He stated that he received a call today from the attorney at the Schools, who had some issues with items on the MOU that they would like to change. Frank stated that he asked her to email the changes but she had not sent them by the time he left his office this afternoon. He stated that he felt

comfortable passing it now as it could be taken back to Council if the Schools wanted to change. He stated that in case of a dispute, staff would get together and meet with the School Board and the Governing Body to resolve.

James stated that he did speak with Chief this afternoon. James stated that Chief spoke to Sheriff Rodella about cross commissioning the K9. Frank stated that there were schools within Espanola that there was not an issue about.

Councilor Ortega stated that in Public Safety Committee asked were courts out as far as 4th amendment issues that may arise. Frank stated that there were still issues with search and seizure but those issues revolved around where the stop was made, etc. He stated that in a typical case if there was suspicion, staff had to address and then they would call K9 to respond. Frank stated that those issues needed to be responded to at the school level. Councilor Ortega wanted clarification that this would only be when called not random searches and asked about liability. Frank stated that if the school decided to bring in the K9 unit, they would be liable for it. He stated that Paragraph 6 referred to that.

**Councilor Valdez made motion to approve, stating if there were any amendments needed that they be brought back to the Governing Body, seconded by Councilor Kain-Salazar.
Motion carried 6/0**

Public Safety Directives Police Canine (K-9) Unit Policy

Item was previously discussed.

(To be taken from the table) Fairview Road Exchange Agreement as recommended by Public Works Committee

Item was previously discussed.

DFA Resolution 2011-13 NMDOT Cooperative Agreement SP-5-11(141)

Ron stated that this DFA was for a budget increase to cover expenditures and revenues for the grant proceeds for the NMDOT Cooperative Agreement.

**Councilor Ortega made motion to approve, seconded by Councilor Valdez.
Motion carried 6/0**

DFA Resolution 2011-14 E911 Decrease in Budget Revenue

Ron stated this DFA Resolution was to decrease the budget to account for the reduction of budget revenue for E911.

Mayor Lucero stated that the City was the Fiscal Agent for E911.

Councilor Valdez made motion to approve, seconded by Councilor Garcia.

Mayor Lucero stated that Santa Fe County had their own 911 but our E911 was still covering the northern part of the County. She stated that she still had issues with that, and was trying to get them to go back to funding as part of Northern Santa Fe County was in Espanola. Councilor Valdez stated that Santa Fe did not respond to a call in Chimayo and felt they needed to cooperate with our 911 for faster response and safety.

Motion carried 6/0.

DFA Resolution No. 2011-15– Renovation for the Municipal Court at the Flour Daniels Building

Ron stated this DFA Resolution was to increase the budget to account for the money drawn down from the State Treasurer’s Office Account. He stated that these funds would be used to renovate a section of the Flour Daniels Building for the New Municipal Court.

Mayor Lucero asked the City Manager to elaborate. James stated that the City was looking at selling some properties. He stated he was currently looking at the money that was going to be used for the purchase of the Hunter Property. Ron stated got tentative approval. Mayor Lucero stated that many have seen a long line out of the court. She stated that she and the City Manager looked at the area between the Police Department and the Detention Center.

Councilor Valdez made motion to approve, seconded by Councilor Lewis.

Councilor Valdez stated that he would like to see if these properties could be sold within 3 to 6 months. Mayor Lucero asked James if appraisals had been done. James stated no, still working on surveys. Mayor Lucero stated would need to be declared surplus before they could be sold. Councilor Garcia stated that also no one could guarantee how long it would take to find a buyer.

Councilor Seeds asked when the Governing Body met to decide what properties were to be sold. Mayor Lucero stated that it was prior administration. James stated it was also discussed within this Governing Body when they were discussing the Hunter Property.

Ron stated that the purpose was to replace the 300,000.

Motion carried 5/1, Councilor Seeds voted against.

EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Councilor Ortega made motion to enter Executive Session, seconded by Councilor Garcia.

Motion carried 6/0

The Governing Body entered Executive Session at 8:57pm.

Councilor Seeds stepped out at 9:27 pm.

Councilor Kain-Salazar made motion to exit, seconded by Councilor Ortega.

Motion carried 5/0

The Governing Body exited Executive Session at 9:28 pm.

Councilor Seeds returned at 9:28 pm.

Mayor Lucero stated that based on discussion, she needed a motion to negotiate with Espanola Chamber of Commerce on the chamber building.

Councilor Ortega made motion to give Mayor authority to negotiate, seconded by Councilor Garcia.
Motion carried 6/0.

ANNOUNCEMENTS

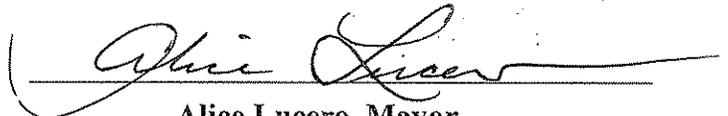
ADJOURNMENT

Councilor Garcia made motion to adjourn, seconded by Councilor Ortega.
Motion carried 6/0.

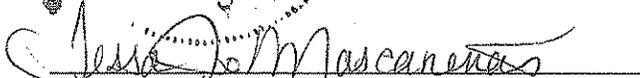
Being no further business, the meeting was adjourned at 9:29 pm.

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





Alice Lucero, Mayor



Tessa Jo Mascareñas, City Clerk