

CITY COUNCIL MEETING
Tuesday September 28, 2010, 6:00 pm
Council Chambers at City Hall
405 N. Paseo de Oñate, Española, NM

A. Call to Order

Meeting was called to order at 6:02 pm 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

Staff: Jessica Martinez, City Clerk's Office; Armando Rodriguez, City Clerk's Office; Russell Naranjo, Planning and Zoning; Len Cata, Community Services.

B. Pledge of Allegiance

Mayor Lucero led the Pledge of Allegiance.

C. Moment of Meditation/ Invocation

Councilor Ortega led the moment of meditation/invocation.

D. Roll Call/ Determination of Quorum

Mayor Pro Tem Lujan was not present. Roll call determined a quorum was present.

E. Approval of Agenda

Mayor Lucero presented the agenda for approval. She asked that under Business with Visitors David Schultz from the College present on how we could partner with them.

- A. Call to Order
- B. Pledge of Allegiance
- C. Moment of Meditation/ Invocation
- D. Roll Call/ Determination of Quorum
- E. Approval of Agenda
- F. Approval of Minutes:
 - 1. City Council Workshop, July 19, 2010; City Council Meeting, August 24, 2010
- G. Public Hearing
 - 2. Liquor License Transfer of Ownership-Las Brazas dba El Paragua
 - 3. Liquor License Transfer of Location-Mariscos
 - 4. Appeal of Planning and Zoning decision-Española Transit Mix Sign
- H. Public Comments
- I. Council Committee Reports/Announcements
- J. Matters from the Mayor
 - 5. Employee of the Month Award- September 2010-Guadalupe Pinon
 - 6. Appointment of North Central Solid Waste Authority Alternate Board Member-James Lujan
 - 7. Request recommendations from City Council for 2010-2011 Fiesta Council Committee
- K. Business with Visitors
- L. 8. Request for Co-Sponsorship for Northern New Mexico Families Walk Against Drugs

M. Consent Agenda

9. Approval of Interlocal Agreement between Rio Arriba County and City of Española supporting the 2010 Byrne Justice Assistance Grant Program Award
10. Approval of AFSCME #1188 Union Contract
11. Approval of contract between City of Española and NMDOT in order to allow private parties to landscape medians within the City Limits of Española
12. Approval of 2010-2011 Budget Approval by Department of Finance and Administration-Budget to be included in official minutes of the City Council Meeting, September 28, 2010
13. Resolution 2010-28 Approval of Regional Economic Development Initiative Contribution Amount
14. Resolution 2010-29 Approval of LANL Coalition Contribution Amount
15. Approval of ICIP Plan

N. Discussion and Action Item(s)

16. Resolution 2010-30 Review and consideration of temporary assignment for Signatory Authority for Valley National Bank Accounts

O. Executive Session: 10-15-1 section H, subsection (7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; and subsection (8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

P. Adjournment

Councilor Ortega made motion to approve the agenda, seconded by Councilor Valdez.

James stated that ICIP will be adopted by Resolution 2010-31.

Motion carried 7/0

F. Approval of Minutes:

1. City Council Workshop, July 19, 2010; City Council Meeting, August 24, 2010

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

Motion carried 7/0

G. Public Hearing

2. **Liquor License Transfer of Ownership-Las Brazas dba El Paragua**

Deputy City Clerk Jessica Martinez presented. She stated that the new application was made because of change of stockholder.

Mayor Lucero opened the Public Hearing at 6:07pm.

Lorenzo Atencio, member and attorney for the Atencio Family, stated that he was here on behalf of the family. He stated that he stood for questions. He stated that the family had reorganized the business structure and this was a required technicality for state licensing.

There were no other public comments.

The Public Hearing was closed at 6:08pm.

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

Councilor Valdez stated that normally he would vote against, but would abstain from voting as it was not an application for a new license.

Councilor Garcia asked the Governing Body if they would allow her to vote on this and the Mariscos application, as her family also owned a Liquor License. There were no objections.

Roll call vote

Motion carried 6/0

3. Liquor License Transfer of Location-Mariscos

Jessica presented. She stated that Mariscos moved from their location in Ranchitos to the old Fairview Café building. She stated that this was an application to move License to the new location.

Mayor Lucero asked owner, Luis Ortega, if Mariscos had an existing license. Mr. Ortega stated yes. Councilor Garcia asked if the old one was under Crown Liquors. Mr. Ortega stated it was for an application for the new location.

Mayor Lucero asked City Attorney Frank Coppler if the Governing Body could pass or if it needed to be re-advertised as a new License not a Transfer.

Councilor Valdez stated that it was near a church and that needed to be addressed.

Mayor Lucero stated to Mr. Ortega will have to be re-advertised and reviewed at next meeting.

Frank asked if beer and wine required 300 feet restriction as well.

Councilor Garcia stated that Dos Amigos was there with a full liquor license; this was just beer and wine. Mayor Lucero stated that she did not anticipate any problems. Councilor Seeds asked whose responsibility was it to get this done, State or City. Frank stated the applicant. Councilor Seeds asked who required 300 ft restriction. Frank stated that the state does, applicant has to clear that issue up with them. Councilor Ortega stated that on the certified letter it clearly stated what needed to be done.

Mayor Lucero stated would not be able to consider tonight because it was not advertised properly and Mr. Ortega would need to get a letter from the church.

Mr. Ortega stated that the State and City told him he was ready.

Mayor Lucero asked if there was anything else.

Mayor Lucero apologized for the misunderstanding. Frank stated that the law doesn't require a letter from the church, but it was a good idea as it would make everything clearer. James stated that the church could also come to the Public Hearing with any issues.

4. Appeal of Planning and Zoning decision-Española Transit Mix Sign

Russell Naranjo presented. He stated that he applauded the business efforts of Mr. Cook. He stated that there was never a dull moment when Mr. Cooks properties were involved. He stated that the Transit Mix sign was in violation of Article 9-signs of the Zoning Code. He stated that the Planning and Zoning Commission denied their request and Mr. Cook was here to appeal.

Mayor Lucero opened the Public Hearing at 6:27pm.

Mr. Cook stated that some of the people with him would speak on his behalf. He stated that as nice as the sign was, he expected a letter thanking him for it. Ralph Martinez stated that Espanola Transit Mix was maintaining the existing sign and it was not changing in any way other way than refacing.

The Public Hearing was closed at 6:28pm.

Councilor Ortega stated that he noticed that minutes where action was taken were not included. Russell apologized for that as he thought staff had submitted them. Councilor Ortega stated that the sign looked very nice. He stated that the City needed to make an exception. He stated that the City needed to support local businesses. He also stated that we needed to address the Sign Ordinance

Councilor Seeds stated that he was not glad this came before the Governing Body, but asked Russell why it was not approved. Russell stated that within section 407 of the Sign Code, all business owners could keep a sign up as long as they wanted as long as it was not modified. He stated that repainting the sign violated this section of the Code. Russell stated that the Planning and Zoning Commission felt

it was not in accordance of the Code. Councilor Seeds asked if they never decided to improve the sign, the way policy was in place, it was asking people to leave signs the way the were instead of improving quality. Russell stated yes, the sign issue needed to be addressed and that was the route staff took at that time.

Councilor Kain-Salazar asked if since this sign has been there some 30 years, does it fall under grandfathering it in. Russell stated yes, but it was a non- conforming sign and needed a time frame that would be acceptable. Ralph Martinez asked what liability would there be if the sigh to fall. He stated that the Sign Ordinance didn't work and needed to be revisited.

Councilor Valdez made motion to make exception, seconded by Councilor Seeds.

Councilor Lewis complimented Mr. Cook on the sign and beautifying the Valley. Mayor Lucero stated it was a beautiful sign.

Mr. Cook stated that he was pleased that the Council was pleased. Mayor Lucero stated that she understood what staff was doing to keep in compliance. She stated that the Business Advisory Board made recommendations to the Governing Body. She stated that there would need to be a special work session to appeal sections that needed to be more business friendly.

Motion carried 7/0

Mayor Lucero congratulated Mr. Cook and asked if they could lower the sign at some point. Mr. Martinez stated that would make it susceptible to graffiti.

H. Public Comments

No comments.

I. Council Committee Reports/Announcements

Councilor Garcia stated that this weekend was Spanapooza and the Art Festival at the Plaza with an Artist Reception at the Convento.

Councilor Ortega stated that he received a call from a constituent referring to a headline on the Rio Grande Sun about spending millions on purple bic pens. James stated there was a PO for \$1,000 and the pens were \$4.75. He stated that there were 41 items, mostly laser toner. Councilor Ortega stated it was a disparity to citizens for non-truths in the newspaper. Mayor Lucero agreed.

Councilor Salazar stated that Public Safety Awareness Week was the week of Oct 4- 8. Mayor Lucero asked Chief Martinez what activities would be going on. Chief stated that Officers would have a display at Wal-Mart and would be speaking to public. Mayor Lucero stated that Officers will be patrolling for seatbelts and cell phone use while driving. Chief stated yes and also school zones and extra patrol at schools.

J. Matters from the Mayor

5. Employee of the Month Award- September 2010-Guadalupe Pinon

Len Cata presented. Mayor Lucero stated that Len and Councilor Garcia recommended Lupe for Employee of the Month. Len stated Maria nominated her but was out and asked him to speak on her behalf. Len stated that Lupe has worked for the City for 2 ½ years and has done many duties. He stated that she was an exceptional employee and an excellent asset to the City.

Councilor Garcia stated that she had a customer who wanted to buy flowers for a city employee who saved his life. She stated that she always got complaints and was proud to see something positive.

Lupe stated that she was on her way back from lunch when she saw a gentleman on a motorcycle loss control. She stated that she blocked traffic until crews got there. Councilor Garcia stated that the gentleman ranted and raved and felt he would not be alive if it wasn't for Lupe.

Mayor Lucero presented Lupe with an award and a check for \$50.

6. Appointment of North Central Solid Waste Authority Alternate Board Member-James Lujan

Mayor Lucero stated that she appointed James as alternate for the North Central Solid Waste Authority Board and she would like the Governing Body to ratify.

**Councilor Valdez made motion to ratify, seconded by Councilor Kain-Salazar.
Motion carried 7/0**

7. Request recommendations from City Council for 2010-2011 Fiesta Council Committee

Mayor Lucero stated that some Fiesta Council members were here. Mayor Lucero asked the Governing Body if they would like to recommend anyone for the Fiesta Council. Councilor Garcia recommended to accept the recommendations presented by the Fiesta Council.

Councilor Valdez made motion to accept, seconded by Councilor Kain-Salazar.

Mayor Lucero stated that the Fiesta Council did an excellent job. Councilor Garcia handed Mayor Lucero a copy of the Fiesta budget and stated that it was in the black \$30,000. She stated that Fiesta was something positive for Espanola.

Mayor Lucero thanked Manny and Judy Martinez, from the Fiesta Council, for their efforts.

Motion carried 7/0

Manny Martinez, Fiesta Council President, thanked the Governing Body for having faith in them for another year. Mr. Martinez listed the members for 2010-2011. He stated that this was not a total list, they decided only work with these for now but if anyone else was interested they were welcome to join a meeting and see if they wanted to work with the Council. Mayor Lucero stated that if they wanted to appoint anyone else, they could bring to the Governing Body later.

Councilor Garcia stated that \$30,000 was not really enough. Ms. Martinez stated that a good fiesta needed at least \$60,000. She stated that they needed people from the community to help.

Mayor Lucero thanked the Fiesta Council. She stated that the community was impressed with this year's Fiesta.

James stated that Fiesta Council was set up with a phone number at City Hall.

K. Business with Visitors

8. Request for Co-Sponsorship for Northern New Mexico Families Walk Against Drugs

Richard Marquez presented along with Efrain Sanchez and Michaela Galhart.

Mr. Sanchez thanked Mayor Lucero for the opportunity to be here. Mr. Sanchez stated it would be 10 years that the Walk has been held. He stated that these days there were kids in kindergarten pushing drugs. He stated that his wife was the Community Service Coordinator for the schools and saw it everyday. Mr. Sanchez stated that a lot of money coming into the valley but nothing was being done. Visited schools, was told heroin and cocaine were major problems.

Mr. Sanchez stated they were not here to ask for money, but co-sponsorship. He stated that organizers raised \$2600 at the Pancake Breakfast they had. He stated that 249 kids walked at the

last walk. He stated that organizers feed 500, some people through Dalancy Street. He stated that resources were available. Mr. Sanchez stated that he could speak for hours on this issue, be he wanted to ask the Governing Body to show strength and support their efforts.

Richard stated that he was Vice President. He stated that since about 3 years ago the group included elementary. He stated that the group always walked in San Juan, but no one saw them. He stated that he got a lot of people from the City involved; Chief, Recreation, etc. Richard referred to their flyer and listed activities that would be included this year after the walk. He stated that during the walk tickets would be given out for door prizes. He stated that the Walk would be October 30 and he was asking the City for co-sponsorship.

Mayor Lucero thanked Richard and Mr. Sanchez for speaking. She asked James to coordinate with them for activities and challenged the Governing Body to be there. She stated that it started at 9:00 am at Bank of America.

**Councilor Valdez made motion to approve, seconded by Councilor Kain-Salazar.
Motion carried 7/0**

Mr. David Schultz from Northern New Mexico College presented along with the new basketball coach, Ryan Cordova. Mr. Schultz stated that the President of the College asked him to serve as liaison between the City and the College. He stated that he met with Mayor Lucero to discuss items of mutual interest. He stated that the College was extending their hand to join together to do positive things for the Valley. He stated that he would continue to work with the Mayor's office. Mr. Schultz invited the Governing Body to the Presidents inauguration.

Mr. Schultz stated that the reason they were here was to get behind GO bond that was on the next ballot.

Mr. Cordova stated that he was proud to be a part of the College. He stated that it would be a university within next two weeks. He stated that the College would take part in the Walk as well. He stated that on November 2nd Bond D would go to the polls; it would slightly higher property taxes. He stated that the money would go towards different Colleges throughout the state and the College would receive \$5 million if passed. He stated to see that much money come to the College would be exciting and would be something to be proud of. He stated that it would be almost next to nothing more on taxes with this bond. Mr. Cordova asked that flyers be placed on employee check stubs as he would like to educate people in the Valley. He stated that he had been going all over the Valley to let people know.

Mayor Lucero thanked Mr. Schultz and Mr. Cordova.

Councilor Kain-Salazar asked how long the bond would be in effect. Mr. Schultz stated 20 years.

Councilor Kain-Salazar asked if this was a statewide bond issue. Mr. Schultz stated yes it was statewide.

Mr. Schultz stated that the SURPA Building Phase 1 has broken ground. He stated that the College would be breaking ground on a new library. He stated that the College would be a great economic engine for Espanola. He stated that the College was looking to employ locally. Mr. Schultz stated that the College was In the heart of the City and they needed the support in the form of a Resolution.

Mr. Schultz thanked the Governing Body for their time.

Councilor Kain-Salazar asked for a schedule of the games. Mr. Cordova stated that he just got them today and he had them in his truck. Joaquin suggested posting games on Marquee. Mr. Cordova stated he could get some for check stubs as well.

Mr. Schultz stated that the College was planning on building a dorm facility as well. Mayor Lucero stated that the west side would grow with the College.

M Consent Agenda

9. Approval of Interlocal Agreement between Rio Arriba County and City of Española supporting the 2010 Byrne Justice Assistance Grant Program Award
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15. Approval of ICIP Plan

Councilor Lewis made motion to approve consent, seconded by Councilor Kain-Salazar.

Mayor Lucero congratulated staff, she stated that we received an earlier approval from DFA than we had in a long time.

Councilor Valdez asked if item 10 was changed. Mayor Lucero stated yes; everyone had a copy in front of them.

Motion carried 7/0

10. Discussion and Action Item(s)

Resolution 2010-30 Review and consideration of temporary assignment for Signatory Authority for Valley National Bank Accounts

Mayor Lucero stated City Clerk Heather Velasquez would be out for 4-6 weeks, and we needed to have someone in place as signatory authority at the bank. She stated that the Resolution names Jessica Martinez, Deputy City Clerk, as a signatory authority.

Councilor Valdez stated there was a typo on the Resolution; it should read Mayor, City Clerk and Deputy City Clerk.

Councilor Salazar made motion to approve the Resolution with the change Council Valdez pointed out, seconded by Councilor Ortega.

Motion carried 7/0

11. **Executive Session:** 10-15-1 section H, subsection (7) meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant; and subsection (8) meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

Mayor Lucero stated that the Governing Body needed to discuss the purchase or acquisition of real property- the Hunter Property.

Councilor Kain-Salazar made motion to enter Executive Session, seconded by Councilor Lewis.

Motion carried 7/0

Councilor Seeds stated he would not be attending Executive Session.

Councilor Seeds left the meeting at 7:32pm.

James asked for a short break while KDCE took down their equipment.

The Governing Body entered Executive Session at 7:40pm.

Councilor Valdez made motion to exit Executive Session, seconded by Councilor Kain-Salazar.

Motion carried 6/0

The governing Body exited Executive Session at 8:08pm

. Councilor Ortega made motion to move forward on \$350,000 purchase of the Hunter Property, seconded by Councilor Kain-Salazar.

Motion carried 6/0

Mayor Lucero stated that the purchase would be made out of the Investment Account but the City would dispose of other properties to reimburse the fund. She stated that we were in the process of acquiring money to abate the environmental issues found in the assessment.

12. Adjournment

**Councilor Kain-Salazar made motion to adjourn, seconded by Councilor Garcia.
Motion carried 6/0**

Being no further business, the meeting was adjourned at 8:10pm.

APPROVED AND ADOPTED THIS 20TH DAY OF DECEMBER, 2010.


Alice Lucero, Mayor

ATTEST:



Heather E. Velasquez, City Clerk

