

CITY COUNCIL WORKSHOP
Monday October 18, 2010 6:00 pm.
Council Chambers at City Hall
405 N. Paseo de Oñate, Española, NM

A. CALL TO ORDER

The Meeting was called to order at 5:58pm with the following in attendance:

- Mayor Alice A. Lucero
- Councilor Cory Lewis
- Councilor Chayo Garcia
- Councilor Helen Kain Salazar
- Councilor Greg Ortega
- Councilor Pedro Valdez

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. APPROVAL OF AGENDA

Mayor Lucero presented the agenda for approval.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. APPROVAL OF AGENDA
- E. PUBLIC COMMENTS
- F. COUNCILOR COMMENTS
- G. MATTERS FROM THE MAYOR
- H. STAFF REPORTS
- I. FINANCE REPORTS
- J. BUSINESS WITH VISITORS
 - 1. Home Run Against Drugs Give a Book Program Presentation by Sandra Lopez and Homer the Mascot
- K. DISCUSSION/ ACTION ITEMS
 - 2. Travel Request- Senior Center
 - 3. **DFA Resolution 2011-02** Review and consideration of Budget Adjustment to account for the FY-10 Edward Byrne Memorial Justice Assistance Grant
 - 4. **DFA Resolution 2011-03** to increase the budget for the SRO's positions
 - 5. **Resolution 2010-37** Submission of a Planning Grant to NMFA
 - 6. **Resolution 2010-39** Water Trust Board Application
 - 7. Review and consideration of Police Union Contract as recommended by Labor Management Committee
 - 8. Review and consideration of Request for Decommission/ Retire of Officer Canine Benny
- L. EXECUTIVE SESSION
- M. ANNOUNCEMENTS
- N. ADJOURNMENT

Councilor Kain-Salazar made motion to approve.

Councilor Lewis asked that item 7 be removed and taken back to the Public Safety Committee.

Councilor Kain-Salazar made motion to approve the agenda as amended, seconded by Councilor Ortega.

Motion carried 5/0

E. PUBLIC COMMENTS

Mayor Lucero opened the floor to the public. She stated Toby Trujillo was going to be here but was not here yet.

Councilor Valdez entered at 6:00pm.

Tize Clark from Toby Sports stated that he purchased the store a few months ago. He stated that a couple of weeks ago a median was built in front of his store that blocked off the entrances. He stated that all outside traffic coming in was by-passing the businesses within his complex. He stated that when you start

cutting off little businesses; you demolish the heart of the City when big corporations come and then leave. Mr. Clark stated that if Wal-Mart decided to walk away, what would happen, no one could come into that large property. He stated that he has seen it happen many times, you can't come back up. He stated that you have to help small businesses as competing against big dogs was hard enough.

Mr. Clark stated that he came to Española in '97 and the City was beautiful; but now it was losing heart of community. He stated that the City needed to look out for small businesses. He asked why go to the brink if you don't have to. Mr. Clark stated that the little tiny things that the Governing Body didn't do would make big effect later. He stated that sometimes agencies needed an outsider to come in to state his views on what was happening. He stated that's why he moved here, to raise his boys here. He stated that we must not mess with the foundation but build above it. He stated that he was here to ask for help to sustain. Mr. Clark stated that this median was shutting down these businesses and killing them.

Councilor Valdez stated that he wanted to emphasize what Mr. Clark was saying. He stated that when someone was trying to get out of Hacienda, they had to go all the way down to the old bank. He stated that a lot of businesses were not accessible to the public and people needed to make U-turns to get into some properties. Councilor Valdez stated that he didn't know who decided to put a light at San Pedro. He stated that there would be accidents when it snowed. He stated that when he was Councilor before they took out some medians. He stated that the Highway Department was not looking at these businesses. He stated that this was making some businesses close with these medians. He stated that the third lane was important to turn into businesses.

Councilor Kain-Salazar asked who authorized this new median. Mayor Lucero and City Manager James Lujan stated Russell Naranjo was here to talk about it.

Councilor Lewis stated businesses needed to be accommodated.

Councilor Garcia stated she was quite livid when she found out that median was going up. She stated that she didn't know what to say other than she would be trying to get rid of it. She stated that she would do what she could.

Mayor Lucero stated that she got many calls. She stated that she was not excited about this. She stated that small businesses were important, and the City needed to take care of them. She stated that she agreed with Councilor Valdez about San Pedro. She stated that it was not easy but the Department of Transportation (DOT) saw it as a safety issue. She stated that she was told the Contractor did not have permit but she was not sure if that was true. She stated that this did not go to City Council; it went through Planning and Zoning. She asked Russell to state what the process was.

Russell stated that he heard the complaints loud and clear. He stated that Mr. Trujillo was a well respected business man in the City. He stated that in these trying economic times we needed to help each other. He stated that Mr. Clark was exactly right. He stated that the City needed to attract other businesses as well. Russell stated that staff received an application from Baskin Robins to open in the City. He stated that two other shops would go up as well. He stated that maybe this was not the best location. He stated that there were issues with where the building was at.

Russell stated that Chief Gonzales wrote a letter to DOT asking them to look at that area as traffic turning west was staked on that lane. He stated that he told the applicant to go to DOT and present their plan. He stated that DOT agreed it was an issue, but didn't know what to do with it. Russell stated that this was a state highway. He stated that traffic couldn't turn left heading south. He stated that people could only make a right in and a right out and that made sense from a safety stand point.

Russell stated that an access permit had not been issued. He stated that they did receive a permit to put the median in. He stated that the access permit dealt with the entrance to the business and Baskin Robins was still working on that.

Russell stated that he agreed the City needed to be business friendly, but it also needed to be safe. He stated that the San Pedro was on a state highway. He stated that some businesses didn't have a left turn, and most municipalities didn't because of safety. Russell stated that he was willing to take direction from the Governing Body.

Russell stated that this issue did go to the Planning and Zoning Commission but they dealt with the building, parking, etc. He stated that highway issues did not go in front of the Governing Body. He stated that Public Notices were sent out when Baskin Robins applied. He stated that it was heard three different times. He stated that it was tabled the first time because they hadn't dealt with the State yet. Russell stated that it was tabled again a second time. He stated that the third time they had a letter from the State.

Councilor Valdez stated that staff needed to go to DOT. He stated that Mayor Maestas had insisted on the medians in San Pedro. He stated that the City did have a say so. He stated that the City had a Commissioner here to deal with that. Councilor Valdez stated that employees should speak with that Commissioner. He stated that he didn't understand how people going to the Shell Station would be safe, it was dangerous. He stated it was the same thing in Arroyo Seco, there needed to be a light at the Jehovah Witness Center.

Councilor Garcia stated that she thought there was an easement to Monterey Lane and asked what happened to that. Russell stated there were two that came off on Fairview. He stated that the Owner now claimed it was a prescriptive easement. He stated that the matter was between two land owners and it was a civil matter. Russell stated that road did not belong to the City. Councilor Garcia stated that we needed to pursue. Russell asked James to meet with the Attorney. Councilor Garcia stated that the best way to attract businesses was profit margin. She stated that we needed businesses and more GRTs. She stated that we were cutting our own throats.

Councilor Ortega stated that it was the Governing Body responsibility to the public to bring public safety. He asked how this was for public safety. He stated that if he was in a hurry he would probably go the wrong way on that median, as would many others. He stated that he wanted to make his feelings public. Councilor Ortega stated that our success and livelihood depended on small businesses. He stated that the City needed to do whatever we could to help businesses succeed. He stated that he didn't know how the public was safer with that turning lane. Councilor Ortega stated that DOT didn't bother looking at small businesses. He stated that Fairview and Riverside was the busiest intersection. He stated that he agreed with Councilor Valdez, the City needed to be involved and meet with the Commission. Councilor Ortega stated that putting in medians didn't affect DOT in Santa Fe, it only affected people here. He stated that the City needed to establish communication with DOT.

Mayor Lucero asked James if he could try to meet with DOT. She stated that we needed to establish who we needed to meet with and get back with the businesses and let them know what if anything we could do. She asked Russell to take to heart the small businesses and keep them in mind when looking at new developments. She stated that she wanted to bend over backwards to help small businesses succeed.

James stated there was another gentleman here.

Martin Dixon stated that he was here on behalf of his father-in-law. He stated that he was here to complain about a Transmission Shop on Calle Chavez. An unidentified woman also stated that she was here for the same issue. She stated that residents on this street tried to sleep at night but the shop made too much noise. She stated that she knew it was a business but they could not be open whenever they felt like it.

Mr. Dixon stated the shop was working on cars out on the road as well.

Russell stated that staff went out there and started out with a police complaint. He stated that the complaint was that the shop was working all hours at night. Russell stated that he was told by Mr. Dixon that the owner was Joe Bendicore. He stated that they actually had a national account with U-Haul and ran the region in Northern New Mexico. He stated that anytime a U-Haul broke down they worked on it. Russell stated that the Planning and Zoning Department looked into a nuisance complaint. He stated that the problem was that the business was zoned in a heavy industrial area. He stated that there was not anything stating what hours they could be open. Russell stated that he didn't know what he could do; these people lived within that zone.

Mayor Lucero asked if this happened every single night. Tara Chacon stated yes. She stated that she lived 3 or 4 houses down. She also stated that music was blasting late at night.

Mayor Lucero stated there was a nuisance, and she didn't know how they could be blasting the radio at all hours of the night.

Mr. Dixon stated that his father-in-law was 77 years old. He stated that all they said was bad words.

Ron Salazar stated there was always traffic and partying there. He stated there were people coming and going all night.

Chief Martinez stated the he went out to speak with Mr. Bendicore and he had many excuses. Chief stated that Officers patrolled the area for awhile but were never able to cite for noise. He stated that it must have stopped for awhile. Councilor Ortega stated that he was going to suggest patrolling. He stated that staff should start with the Nuisance Ordinance and go from there.

Councilor Valdez suggested to maybe look at restraining times. Russell stated that could get into an area of not being business friendly. He stated that staff was not set up to count decimals and if taken to court wouldn't have proof. He stated that the Nuisance Ordinance dealt more with weeds, etc.

Mayor Lucero stated that in an area where mixed use, it seemed strange. She stated that she would see what could be done and she would have patrols go out there. Mayor Lucero asked Chief to follow up. Mr. Dixon stated that when Johnny's Transmission was there, the City only allowed them to work until 6:00pm.

Mr. Dixon stated there was a problem with mice now as well.

F. COUNCILOR COMMENTS

Councilor Ortega commended Len Cata and his staff and Christian Lopez and the Police Department for working with the Secret Service at the Clinton visit. Mayor Lucero stated that services were paid by the Secret Service and any overtime would be paid by them.

Councilor Valdez stated that Highway Department should work with the public more and he would like to meet with them to tell them how we want our City. He stated that San Pedro was one of his concerns and now Fairview lane.

Mayor Lucero thanked staff and Richard Marquez for their work on Clean-up Day. She stated that it was a successful event. She stated that City staff was working hard but needed the community to help as well. She thanked everyone who participated.

G. MATTERS FROM THE MAYOR

H. STAFF REPORTS

Len Cata stated that tomorrow at the Senior Center there would be free flu shots from 10am-12pm.

Councilor Garcia thanked the Officers that helped with Public Safety Week. She suggested that this be done more than just once a year. She stated that she got a lot of feedback from the community. Mayor Lucero thanked staff as well.

I. FINANCE REPORTS

Ron gave a brief overview of the overall 1st quarter budget. He stated that staff was watching spending. Mayor Lucero stated that we needed to continue to watch spending. Ron stated that year-to-date we were a little low from last year.

J. BUSINESS WITH VISITORS

1. Home Run Against Drugs Give a Book Program Presentation by Sandra Lopez and Homer the Mascot

Sandra Lopez presented on the Home Run against Drugs and Alcohol Program that was given to elementary kids. She stated that the target was third graders. She stated that the Program promotes literacy, good eating habits and teaches about drugs and alcohol. Homer the Mascot came in to meet the Governing Body.

Mayor Lucero stated the Governing Body was advocates for promoting these things and asked what the City could do. Ms. Lopez stated they could provide sponsorship.

Councilor Valdez asked if there was a place to meet that the City could provide. Ms. Lopez stated that they were going to elementary schools to present either to classes or to the whole school. She stated that the Superintendent supported the Program.

Mayor Lucero stated that the Police Department participated in a Drug Program and maybe they could work together. She stated that it was important for kids to know Officers on a first name basis and not be scared. Ms. Lopez stated it would be good to have guest speakers.

Councilor Garcia asked how many third graders there were. Ms. Lopez stated that there were 700 plus in second and third grade. She stated that it cost 15 dollars for each customized book. Ms. Lopez stated they were well made books. Councilor Ortega asked if the Program had enough sponsors to cover all the books. Ms. Lopez stated they had \$2,000.

Councilor Valdez stated that maybe each Governing Body member could sponsor a child. Mayor Lucero stated that was a good idea and she would be willing to do so as well.

Mayor Lucero asked when the Program would be out at schools. Ms. Lopez stated that Alcalde would be first at the end of October.

Ms. Lopez asked that checks be made out to "Young Readers Council."

K. DISCUSSION/ ACTION ITEMS

2. Travel Request- Senior Center

Len presented a memo written to the Governing Body. He stated that 36 individuals would be attending a trip to Laughlin, NV.

Mayor Lucero stated the City would cover travel from here to Albuquerque. She asked what the liability from Albuquerque to Laughlin was. Len stated there was not any.

Councilor Garcia asked how much would the City pay. Josephine Velasquez stated none. Councilor Garcia asked what was cost from here to Albuquerque. Len stated just gas and the hours that Tracy would spend driving. Councilor Kain-Salazar asked if each person was charged a fee to get to Albuquerque. Len answered no. Councilor Lewis asked what was the estimated cost to the City. Len stated that he didn't have that information but he could get it. Councilor Garcia stated probably a couple hundred back and forth. Len stated more or less. He stated that the City provided transportation to the seniors, and each senior provided all the other payments at their own cost.

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

Councilor Ortega asked if cost was budgeted. Josephine answered yes.

Motion carried 5/0

3. DFA Resolution 2011-02 Review and consideration of Budget Adjustment to account for the FY-10 Edward Byrne Memorial Justice Assistance Grant

James presented.

4. DFA Resolution 2011-03 to increase the budget for the SRO's positions

James presented. He stated that this Resolution was to adjust to add the reimbursement to the budget.

5. Resolution 2010-37 Submission of a Planning Grant to NMFA

One item from 40 year water plan, applying.

6. Resolution 2010-39 Water Trust Board Application

Councilor Ortega made motion to approve.

Councilor Ortega asked if these could be approved tonight.

Councilor Ortega made motion to approve DFA Resolution 2011-02, DFA Resolution 2011-03, Resolution 2010-37 and Resolution 2010-39.

Councilor Valdez asked if the City needed to match. James stated item 5 was a grant. Marvin stated item 6 was a 10 percent match. Councilor Valdez stated that at this time he didn't see us borrowing money. He stated it would be 3 percent plus at the end of the budget year and he didn't see us borrowing money right now. Mayor Lucero stated that they were low cost loans and it was not likely to use it all within the fiscal year. She stated that the Water Trust Board (WTB) was not easy to get as there was a lot of competition.

Councilor Valdez stated that we received a letter that we could ignore one month to have money for Christmas. He stated that if we couldn't afford it at this time, then we didn't need it at this time. He asked if it was possible to pass this even if we don't use it. Mayor Lucero stated that staff already budgeted these projects and we had been using WTB as we could not afford them otherwise.

Councilor Valdez stated that we had a quarter tax, which should be \$7 million. Mayor Lucero stated that was where the money was coming from. She stated that's why we were able to do these projects. Marvin stated that we were using an EPA grant to match.

Councilor Valdez stated that 2010-11 was going to be tight.

Councilor Garcia seconded the motion.
Motion carried 5/0

7. Review and consideration of Police Union Contract as recommended by Labor Management Committee

Item deleted from agenda.

8. Review and consideration of Request for Decommission/ Retire of Officer Canine Benny

Councilor Valdez stepped out at 7:24pm.

Lieutenant Christian Lopez stated that in 2004 the Police Department purchased K9 Benny. He stated that the idea was to take the dog to schools. He stated that Benny went through some training to find cocaine, heroine, marijuana, etc. Christian stated that they were cut off from training when the new administration came in.

Councilor Valdez returned at 7:26pm.

Christian stated that Benny started treatment for heartworm and that he also had arthritis and dysplasia. He stated that he cared for the dog since he got him and would like to take the liability off of the City. He stated that he would like for Benny to live out his years where he was as he was not a people friendly dog.

Christian stated that there was a training that was offered for free but they could not go due to budget restraints. Councilor Lewis stated that if the Police Department were to go into the dog business they could not use him anyways.

Christian stated that Benny was a sworn in Officer and asked that he be decommissioned.

Councilor Valdez made motion to retire Benny from the Police Department and be reverted into the care of Lieutenant Lopez, seconded by Councilor Kain-Salazar.

Councilor Ortega asked if Benny had a badge. Christian stated that he did and he still wore it on his collar.

Councilor Kain-Salazar thanked Christian for taking care of Benny.

Motion carried 5/0

L. EXECUTIVE SESSION

The Governing Body did not enter into Executive Session.

M. ANNOUNCEMENTS

There were no announcements.

N. ADJOURNMENT

Councilor Ortega made motion to adjourn, seconded by Councilor Kain-Salazar.
Motion carried 5/0

Being no further business, the meeting was adjourned at 7:32pm.

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

