



**CITY COUNCIL WORKSHOP**  
MONDAY, JUNE 20, 2011 6:00 PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM 87532

**A. CALL TO ORDER**

Mayor Pro-Tem Lujan called the meeting to order at approximately 6:01pm.

**B. PLEDGE OF ALLEGIANCE**

Councilor Dennis Tim Salazar led the pledge of allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Garcia led the moment of meditation/invocation.

**D. ROLL CALL/ DETERMINATION OF QUORUM**

The following members of the Governing Body were in attendance.

Mayor ProTem: Cecilia Lujan

Councilors:

Cory Lewis  
Greg Ortega  
Rosario (Chayo) Garcia  
Dennis Tim Salazar  
Pedro Valdez  
Robert Seeds

Absent:

Mayor: Alice A. Lucero

Councilor:

Helen Kain-Salazar

**E. APPROVAL OF AGENDA**

Mayor Pro-Tem Lujan 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. COUNCILOR COMMENTS**

**H. MATTERS FROM THE MAYOR**

1. Appointment of City of Española Representative to E-911 Board of Directors

**I. DISCUSSION/ACTION ITEMS**

2. **RESOLUTION 2011-07:** Amending Resolution 2010-19; Resolution to accept New Mexico Department of Transportation Co-op Award in the amount which consists of State Award \$54,013.00 (75%), with a local match of \$18,004.00 (25%) for the maintenance of various local streets.
3. **RESOLUTION 2011-08:** Open Meetings Resolution
4. AFSCME Local 923 Contract Approval, Española Police Officers
5. Española Firefighters Local Union #4339 Contract Extension
6. Request for Co-Sponsorship of Ol' Mel Patch "Music on the Plaza" Events throughout Summer 2011
7. Request for Co-Sponsorship of Santa Cruz Boys & Girls Club (Use of City Shuttle Bus)
8. City-Wide Fireworks Ban

**J. EXECUTIVE SESSION**

**K. ANNOUNCEMENTS**

**L. ADJOURNMENT**

*At any time during the Open Meeting, the Governing Body, by a majority vote, may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Governing Body, by a majority vote, may revise the order of the agenda items considered at this Open Meeting.*

*If you are an individual with a disability who is in need of an amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk's Office at 747-6039 at least three days prior to the meeting.*

**F. PUBLIC COMMENTS**

There were no members of the public wishing to comment.

**G. COUNCILOR COMMENTS**

Councilor Valdez stated that he would like to acknowledge Richard Marquez regarding the acquisition of the donations from Hacienda Home Store and Lowe's.

City Manager Lujan stated that the median project still had to be reviewed and approved by the Planning Division of the New Mexico Department of Transportation. Mayor Pro Tem asked whether the application submitted had required modification. City Manager Lujan answered in the affirmative and stated that some of the items would need to be downsized to make them more traffic-friendly.

Councilor Seeds asked City Manager Lujan if there would be a presentation upon completion. City Manager Lujan stated that there would be and that he would ensure it was publicized. Councilor Seeds asked about the meeting that had taken place with NMDOT. City Manager Lujan replied that he has not heard any reply from them; however, he will continue to follow – up. Councilor Seeds requested that City Manager Lujan take an aggressive tone, if necessary, as the situation created appears to be dangerous.

City Manager Lujan stated that he is unaware of the Department's stance as he believes they are awaiting a reply from the cabinet secretary.

Councilor Garcia reminded all individuals in attendance that the fiesta council would be having a mariachi concert. She stated that tickets would be \$20 at the door; however, she had tickets available for \$15 prior to the event. She added that Sunday, June 26 was the dubbing of La Reina and Oñate at the Santuario de Chimayo at noon. Mayor Pro-Tem stated that it seemed as though the fiesta council was moving along well with fundraising.

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

### **1. Appointment of City of Española Representative to E-911 Board of Directors**

Mayor Pro-Tem stated that she had spoken with Mayor Lucero who informed her she had appointed City Manager James Lujan to the E-911 Board. Mayor Pro-Tem explained that she had been the liason; however, due to conflicts with this board and her work obligation, she had been unable to attend on a regular basis.

*Councilor Greg Ortega moved to ratify the appointment; seconded by Councilor Lewis.*

*Motion carried 7-0.*

## **I. DISCUSSION/ACTION ITEMS**

**2. RESOLUTION 2011-07:** Amending Resolution 2010-19; Resolution to accept New Mexico Department of Transportation Co-op Award in the amount which consists of State Award \$54,013.00 (75%), with a local match of \$18,004.00 (25%) for the maintenance of various local streets.

City Manager Lujan stated that he had been approached by Streets department to amend this for the maintenance of sidewalks. Mayor Pro-Tem asked if there was a list of specific locations that had been selected for repair. City Manager Lujan replied that there were quite a few, but they would be focusing on main areas. He added that he had gone to inspect some of the sidewalks himself and found they had agreed that some of the buckled sidewalks could be saw-cut to investigate whether some of the repairs could be done for less money. Mayor Pro-Tem stated that it is always nice to provide such listings so that the public can be made aware. City Manager assured Mayor Pro-tem Lujan that he would confirm that such a list was created and disseminated.

*Councilor Valdez moved to approve Resolution 2011-07 with a change of the word design following the second "whereas" to the word "repairs"; seconded by Councilor Ortega.*

*Motion carried 7-0.*

**3. RESOLUTION 2011-08:** Open Meetings Resolution

City Clerk Mascareñas explained that resolution was renewed annually in order to dictate meeting times. She clarified that there would be a change to from 72 hours to 24 hours on Page 2, Item 4.

***Motion by Councilor Ortega to approve Resolution 2011-08, with amendment; seconded by Councilor Dennis Tim Salazar.***

Councilor Seeds stated that he was confused about the change. He stated that 6pm meetings would give the public the option of attending. He stated that he believed even 6pm meetings were early for his standards. He declared that the times should be set-up to encourage the public to attend.

Mayor Pro-Tem stated that the Public Safety Committee meeting had been held at 3:30pm and there had been a large crowd. She stated that, in her experience, when meetings were held at 5:30pm there had been no problems.

Councilor Ortega stated that although 5:30pm was a convenient time for him, he also agreed with Councilor Seeds point. He stated that the public does not participate in Governing Body meetings enough. Councilor Ortega added that with trying to accommodate the public, remaining at 6pm may work better.

Councilor Seeds stated that he could appreciate that the meeting held at 3:30pm received good attendance. However, he stated that normal workdays were 8am-5pm so individuals traveling from out-of-town could be present at 6pm.

Councilor Ortega asked if it was possible to amend the meeting times to be at 5:30pm if there was a long agenda. City Manager Lujan stated that it could be adjusted occasionally, with notice.

Councilor Seeds asked if the 24 hours advance notice for special meetings was in compliance with state statute. City Manager Lujan answered that it was.

Councilor Salazar asked if there could be a compromise of 5:45pm. Councilor Seeds replied in the affirmative with the stipulation that the meetings be held at 6pm under special circumstances. Councilor Ortega resolved that his motion would stand as there was agreement that the time would be changed if there were important issues that would generate public involvement.

***Motion carried 6-1, with Councilor Seeds voting in the negative.***

#### 4. AFSCME Local 923 Contract Approval, Española Police Officers

Mayor Pro-Tem yielded to City Manager Lujan who yielded to Mr. Joe Duran. Mr. Duran stated that there was a negotiation committee that was put together for 2010. He added that this Committee worked to a tentative contract which was brought before council in August and was sent back for negotiation on Articles 17 and 18.

Councilor Valdez declared his intention to vote against the contract as he saw too many items in error. He cited the leave carryover policy specifically along with Article 2, Item F. He also stated that Article H was referred to, when there was no such section. He added that due to the financial situation in other parts of the country, officers are being laid off. He opined that with the benefits the union would be getting, he would become an officer if he could. He added that he would be voting against this contract.

Mr. Duran reminded the Governing Body that the annual leave rollover amount had been reduced from 500. Councilor Ortega stated that these accruals were the concerns presented by the Public Safety committee and added that he had reviewed the contract and determined several items that need to be rehashed.

Mr. Sam Chavez from AFSCME stated that one contract must be closed prior to the negotiation of another. He stated that this contract should be ratified and negotiations can resume for the next contract that would go into effect on July 1. He stated that a legal opinion was presented regarding this process.

Councilor Salazar stated that after looking at the contract he agreed with Councilor Valdez and Councilor Ortega.

Motion by Councilor Salazar to disapprove AFSCME Local 923 Contract; seconded by Councilor Lewis.

Councilor Seeds asked Mr. Duran and City Manager Lujan about the process. Mr. Duran stated that the issue had been brought before Council in August and it was referred back to the negotiating table. Councilor Seeds asked who was negotiating on behalf of the Governing Body. Mr. Duran stated that the Management Team was made up of himself, Stephanie Martinez, Len Cata, and Russell Naranjo. In addition, Chief Montoya was invited and did show up at the last meeting.

Councilor Seeds asked the officers in attendance to explain what was going on. Det. Bryan Martinez stated that officers are working 12 hour shifts and due to short-staffing they do not have the opportunity to take time off very often. Councilor Seeds declared that this has been a problem for years. He added that officers have been asked to work on their days off, causing accumulated comp time. He stated that if the officers lose those hours they are essentially working without being compensated.

Councilor Lewis yielded to Corporal Maez who indicated that there were some loopholes in this contract. He added that there were certain articles in the contract meant to benefit specific people. He expressed embarrassment over discussing these issues in a public meeting.

Officer Danny Pacheco stated that he is the oldest guy in the police department and in six (6) years working for the department, he has taken one (1) vacation. He stated that many officers are young and have young children, yet they are all on ready to serve 24/7. Officer Pacheco added that they put their lives on the line and do not sleep or eat properly. He asked

the Council to consider the children of the officers and remember that by adding these time provisions, they are attempting to prevent injuries and loss of life.

Councilor Valdez expressed his feeling that he was being subjected to a guilt trip. He added there are several employees who help the people and the police officers must realize that they are paid with taxes. He declared that if there was money, there would be more officers and they would all be paid more. He explained that he worked with natural gas and explosions, but he was still required to do his job.

Mayor Pro-tem asked Chief Montoya about the plans to hire additional officers. Chief Montoya stated that they were attempting to transition detention center staff to those positions; however, the majority of those officers were not passing the necessary exams.

City Manager Lujan clarified that there are four (4) open police officer positions and there was the potential for two (2) additional positions through the utilization of a grant. City Manager Lujan assured the Governing Body that the positions had been advertised. He stated that another reason for the shortage is that there were staff members taking FMLA or sick leave. The lack of staff was due to several dynamics- not simply the hiring process.

Councilor Ortega stated that his understanding of the union was that it was a brotherhood and should move together. He expressed his belief that they were having some major issues.

Chief Montoya stated that he had met on February 15, 2011 with Mr. Armijo, Officer Espinoza, and Det. Martinez during the course of which, there was a misunderstanding between Officer Espinoza and Det. Martinez. Officer Espinoza claimed it was a bad faith bargaining and Mr. Armijo had countered that majority vote rules. Chief Montoya stated that he closed the meeting declaring that they would meet again when the officers and union could come to an agreement. He observed that the ratification document contained signatures, but did not account for what was approved, the date of approval, etc.

Mr. Armijo stated that how the union conducts its business, is of no concern to the Governing Body. He asserted that the police department does not have the right to tell the union how to conduct and by doing this, they were interfering with collective bargaining. He stated that the agreement had been approved by 100% of the membership and added that he does not appreciate the Chief bringing this business about in a public meeting. Mr. Armijo declared that the February 15th meeting had not been for the purpose of contract negotiations, but rather to inform Chief Montoya of the issues.

Mr. Joe Duran explained that the cause for confusion was the fact that there had been a change in union officials.

Councilor Garcia asked what would happen if the contract were approved and what would happen if it were not approved. Mr. Duran stated that upon approval, new negotiations would commence. City Manager Lujan stated that the term was set to expire on June 30, 2011. Councilor Garcia clarified that if these terms were disapproved, the parties would have to go back to negotiations for the previous year. Mr. Duran stated in the affirmative and

added that if this contract is not approved, the union remains under the previous contract which actually has more lenient terms for officers. Councilor Ortega stated that this contract had never been presented to the full council, only to the public safety committee. Councilor Lewis stated that he would like to check the minutes on the meeting as he believed that there were additional issues that he had expressed.

***Motion by Councilor Salazar to disapprove AFSCME Local 923 Contract 2010-2011; seconded by Councilor Lewis.***

Det. Bryan Martinez said that the finance department had approved these changes. Councilor Ortega countered that this issue was supposed to go to the public safety committee and then to the finance committee, but it had never been passed by public safety. Det. Martinez clarified that it had been reviewed by Mr. Ron Archuleta, the head of the finance department, not the finance committee.

Roll Call Vote:

Mayor ProTem:	Cecilia Lujan	IN FAVOR
Councilors:	Cory Lewis	IN FAVOR
	Greg Ortega	IN FAVOR
	Rosario (Chayo) Garcia	AGAINST
	Dennis Tim Salazar	IN FAVOR
	Pedro Valdez	IN FAVOR
	Robert Seeds	AGAINST

Councilor Garcia clarified that the union would continue to operate under the previous last year's contract.

***Motion carried 5-2.***

#### 5. Española Firefighters Local Union #4339 Contract Extension

City Manager Lujan stated that the Firefighters had asked that their contract be extended for another year. Mr. Johnny Martinez explained that they realized the budget constraints and were aware that requests could not be fulfilled. However, they did reserve the right to renegotiate, if the conditions changed.

Councilor Ortega thanked Mr. Martinez for having the foresight to accommodate the state of the budget.

***Motion by Councilor Greg Ortega to extend Española Firefighters Local Union #4339 Contract; seconded by Councilor Salazar.***

Councilor Seeds voiced his appreciation and declared that the City of Española has a First Class Fire Department. He explained that he had experienced an accident in town and that the service Mr. Martinez provided was very professional.

Mayor Pro-Tem Lujan stated that all Governing Body members feel that if there were no budget constraints, the council would move on raises for all employees.

Councilor Salazar commended Ron Padilla on his completion of duties as Interim Fire Chief. Mr. Martinez stated that he believes this will be a good year for the Fire Department and assured the Council that the Fire Department will have a good leader in Chief Montoya.

Mr. Padilla thanked the Governing Body for the opportunity to serve as the Interim Fire Chief. He commented that the employees are great and stated that Chief Montoya was a great mentor. Mr. Padilla added that he had learned a lot in the 6 months since he had taken over the position and promised that his dedication to the City of Española would continue from now until long after he retires.

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

6. Request for Co-Sponsorship of Ol' Mel Patch "Music on the Plaza" Events throughout Summer 2011

Mr. Len Cata stated that Mr. Randy Perralgio was putting in his own money to provide refreshments for the events. They were requesting the city to be a co-sponsor by waiving the fees. He added that this measure had been passed through the Community Services committee.

Councilor Lewis stated that he believed this was a positive event. Councilor Garcia agreed and stated that it was great to see people on the plaza when she passes by.

Mr. Cata explained that this event had begun the previous summer and there was not a single incident that resulted in calls to the Police Department and no complaints from the neighbors.

***Motion by Councilor Valdez to approve the request for Co-Sponsorship of Ol' Mel Patch "Music on the Plaza" Events throughout Summer 2011; seconded by Councilor Ortega.***

***Motion carries 7-0.***

7. Lodger's Tax

City Manager Lujan explained that the Lodger Tax Board had met on June 17, 2011 and had recommended giving the Fiesta Council a mini-grant of \$3,000 for advertisement. He added that he would be bringing an adjustment request before the Governing Body at the next city Council meeting in order to provide the additional funds requested by the Fiesta Council.

City Manager Lujan explained that a prior year encumbrance could provide the remaining funds.

Motion by Councilor Valdez to approve Lodger's Tax recommendation; seconded by Councilor Ortega.

Motion carried 7-0.

**J. EXECUTIVE SESSION**

**K. ANNOUNCEMENTS**

**L. ADJOURNMENT**

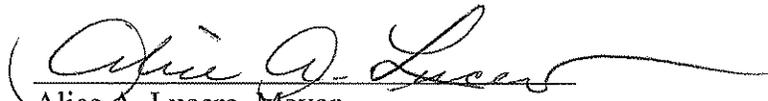
*Motion by Councilor Ortega to adjourn; seconded by Councilor Salazar.*

*Motion carried 7-0.*

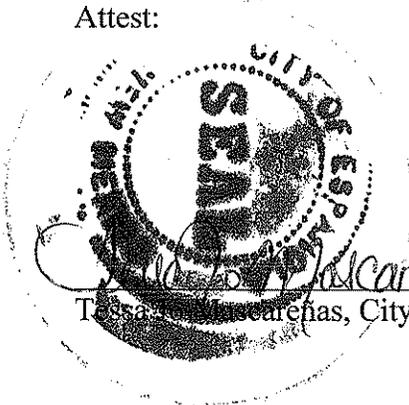
*Meeting was adjourned at approximately 7:11pm.*

*Minutes Taken and Transcribed by Tessa Jo Mascareñas, City Clerk.*

APPROVED AND ADOPTED THIS 26<sup>th</sup> DAY OF July, 2011.

  
Alice A. Lucero, Mayor

Attest:

  
  
Tessa Jo Mascareñas, City Clerk