

**CITY COUNCIL WORK SESSION
SEPTEMBER 23, 2013, 6PM
CITY HALL COUNCIL CHAMBERS
105 PASEO DE OÑATE, ESPAÑOLA**

A. CALL TO ORDER

Mayor Alice A. Lucero called the meeting to order at 6:03 pm.

B. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem	Dennis Tim Salazar
Councilors:	Pedro Valdez
	Peggy Sue Martinez
	John Hernandez
	Cory Lewis
	Elaine Herrera
Absent:	Robert Seeds
	Eric Radosevich

C. APPROVAL OF AGENDA

Mayor Lucero presented the following agenda for approval:

---Begin---

A. CALL TO ORDER

B. ROLL CALL/DETERMINATION OF QUORUM

C. APPROVAL OF AGENDA

D. DISCUSSION ITEM(S)

1. Discussion of Abandoned Homes and Buildings
2. North Central Solid Waste Authority
 - a. Resolution 2010-28: Resolution Supporting North Central Solid Waste Authority
 - b. Joint Powers Agreement (JPA)
 - c. Memorandum of Agreement (MOA)
3. Ordinance 2000-08: The Fee Ordinance of the City of Española
4. Ordinance 2013-01: An Ordinance Repealing and Replacing Ordinance No. 2011-02; Regulating and Controlling the Moving of Any Oversize Load, House, Building or Part Thereof Into, Out Of, Within or Through the City Of Española.
5. Ordinance 2009-04: Utility Ordinance
6. Ordinance 2010-09: Safety in Public Places

E. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

F. ANNOUNCEMENTS

G. ADJOURNMENT

---End---

Mayor Lucero questioned the Deputy City Clerk as to the absence of Councilor Robert Seeds, Councilor Elaine Herrera and Councilor Eric Radosevich. Deputy City Clerk Squires explained that Councilor Robert Seeds communicated that he was unable to attend the meeting due to previously arranged hunting plans. She then explained that Councilor Eric Radosevich had not confirmed his presence or provided an explanation of absence. Councilor Elaine Herrera confirmed that she was going to be in attendance but was running approximately fifteen (15) minutes late due to work obligations.

Councilor Valdez stated that he would like to have Item #2. North Central Solid Waste Authority removed from the Agenda and placed on the Public Works Committee agenda at a later date. He explained that this would allow the Governing Body to thoroughly review all the documentation and information relating to the items. He concluded that all documentation still needed to be reviewed by the City Attorney and the County Attorney prior to review and discussion.

Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Martinez

Motion Carried 5-0.

Mayor Lucero stated that the City Council Work Session was informal and expressed that any motion made after discussion would move the item to Committee or a full Council Meeting. She explained that an amendment to an ordinance must be recorded and addressed at an official Council Meeting and asked that Council show due respect prior to speaking when an individual was recognized and had the floor.

D. DISCUSSION ITEM(S)

Discussion of Abandoned Homes and Buildings.

Planning & Zoning (P & Z) Director Russell Naranjo stated that the issues and ordinance of abandoned commercial buildings was discussed at the previous City Council Work Session. He confirmed that thereafter a thirty-five (\$35) dollar monthly penalty fee was charged to commercial property owners until potential hazards of the building were remedied and/or addressed. He stated that due to a clause written within the ordinance,

an abandoned commercial building was allowed to remain vacant as long as the building did not pose a visible eye sore from passing traffic and was secure from intruders. P & Z Director Naranjo stated that if the owner attempted to remedy the outer façade and provide security of the premises, the penalty fee would be waved until further notice. He confirmed that the clause was written in an attempt to potentially attract and encourage future economic development while maintaining the property value of surrounding businesses and residences.

Councilor Lewis stated that he would like to see the ordinances combined as they reflected the same purpose and expressed that he had reviewed an ordinance from another municipality that covered both commercial and residential properties. Councilor Lewis continued that if the ordinances were combined, it would be necessary to specify remediation procedures.

P & Z Director Naranjo stated that the issue of abandoned homes was determined to be a great concern, but had not yet been addressed specifically in the ordinance previously discussed. He explained that problems with abandoned homes, such as broken glass, boarded windows, structural integrity, over grown bushes/trees, septic tank stability and safety all posed various hazards and potential risks. He added that Ordinance 2013-08 was an attempt to make the home owner and/or property owner responsible for such problems. He clarified his comments by stating that Ordinance 2013-08 would serve as a separate ordinance to that of the Commercial Building Ordinance.

Councilor Herrera entered at 6:12pm.

Councilor Hernandez opined that the amount of thirty-five (\$35) dollars was not enough to make an impact. He stated that the deadline may not be met in a timely manner as a result. Councilor Hernandez suggested that the fee increase marginally in the event that it was not paid on time. He expressed that unless the measures were drastic and/or viewed as serious, commercial and residential property requirements would not be understood and property values would continue to be affected.

Code Enforcement Officer Michael Marquez stated that it was the Planning & Zoning Department's intention to first identify vacant and abandoned properties.

Councilor Martinez commended staff on their efforts. She stated that she recalled voicing her concerns regarding homes along Calle Rodriguez and the surrounding area at previous meetings. She expressed that although there were residences which appeared clean, modest, warm and beautiful; there was a strong element of decay in that neighborhood. Councilor Martinez stated that she owned property near Calle Rodriguez and feared that the value would depreciate. She echoed the sentiments made by Councilor Lewis and Councilor Hernandez and expressed that although the Commercial Building Ordinance was a valid approach toward economic development, consequences were not felt due to the subtle penalty fees proposed. She stated that remediation of commercial buildings was not as visible as initially anticipated by the Governing Body. She stated that she had seen some improvement.

Councilor Martinez stated that safety should be the main objective when addressing questionable buildings/structures. She expressed her opinion further by addressing the second page of Ordinance 2013-08. She stated that definition number two (2) read, "is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy." Councilor Martinez stated that the language should include and stress that the property in question was devaluing other homes in the neighborhood and posed an environmental risk. She then addressed definition number six (6) and she suggested that both definitions be combined to reflect environmental hazards. Councilor Martinez stated that a constituent and personal friend residing on Chacoma Lane claimed that he passed three (3) burnt homes while exiting his residence and was concerned with how this may affect the value of his home.

Councilor Valdez stated that he would like to revisit the citation language which stipulated penalty fees and the involvement of court action via summons if the fee was not paid in a timely manner. He echoed the sentiments made by Councilor Hernandez and reminded the Council to review and understand all eleven (11) items listed within the Ordinance prior to interpretation and discussion.

Mayor Lucero asked P & Z Director Naranjo how he would advise the Council regarding the repeal of language in the current commercial building ordinance. She clarified by asking if the ordinance should be discussed at a committee level prior to being addressed by the full Council.

P & Z Director Naranjo stated that he agreed with Councilor Hernandez, Councilor Lewis and Councilor Valdez and expressed that he would like to address the possibility of a penalty language through which the courts would intervene. He stated that an increased penalty fee may be more effective.

Councilor Lewis suggested that the issue be re-addressed at a Public Safety Committee meeting as well as a Public Works Committee meeting. P & Z Director Russell Naranjo replied in the affirmative and stated that he viewed the ordinances in question as works in progress. He then thanked the Governing Body for their valued input on the subject.

Ordinance 2000-08: The Fee Ordinance of the City of Española

Councilor Valdez stated that he had been a City Councilor since 1963 and the fee for business licenses had not changed. He stated that he felt it was necessary to revisit Ordinance 2000-08 and discuss the possibilities of increasing that amount to an annual renewal of one hundred (\$100) dollars. Councilor Valdez stated that it would be proactive to research how much neighboring municipalities charged for similar services. He expressed that he would like to revisit the concept of increasing fees for business licenses within the City of Española at the Finance Committee.

Mayor Lucero asked P & Z Director Naranjo how much other municipalities/cities in the State of New Mexico charged for business licenses.

involved with the process of licensing and permits should take an accurate account of man hours involved in processing all the documentation necessary prior to opening or conducting business with the City of Española.

Ordinance 2013-01: An Ordinance Repealing and Replacing Ordinance No 2011-02; Regulating and Controlling the Moving of Any Oversized Load, House, Building or Part Thereof Into, Out Of, Within or Through the City of Española,

Councilor Valdez stated that the Planning & Zoning Department had been addressing all matters concerning the ordinance and the City had lost an average of seventy thousand (\$70,000) dollars per year due to Ordinance 2013-01 not being enforcement. Councilor Valdez stated that the truckers complained mainly about the time spent waiting for an escort to arrive.

Councilor Valdez stated that he would like to have this item discussed and acted on at a Council Meeting due to the fact that the City needed to act before more monies were lost. He explained that the potential revenue from larger trucking companies was anticipated during the newly proposed daylight hours. Councilor Valdez further explained that the last part of the ordinance had changed where it stipulated width and weight requirements.

Councilor Martinez called for a point of order regarding the item. She stated that she recalled tabling the discussion because safety issues surrounding a staging area were not established. She also stated that the escorts were not adequately trained.

Councilor Herrera stated that Councilor Martinez had motioned to table the discussion after the vote was taken. Mayor Lucero stated that she believed that the ordinance had been adopted but because of issues surrounding public safety, it needed to be repealed. She then asked that the City Clerk's Department review the minutes pertaining to the vote of the item for future discussion.

P & Z Director Naranjo stated that he recalled the vote was against the enforcement of the ordinance because the Department of Public Safety could not commit with the current shortage of officers. He explained that the ordinance needed to take shape soon.

P & Z Director Naranjo agreed with the sentiments of Councilor Valdez and affirmed that potential revenues were slipping away. He urged the Council to discuss and review the item thoroughly prior to voting at a future Council meeting. He stated that much time had been spent communicating and addressing information. P & Z Director Naranjo further explained that in order to gain a better knowledge of possible staging areas, safety measures and precautions must first be addressed and exercised by the designated escort.

Councilor Martinez stated that although she may want the ordinance to take shape, she was not willing to compromise the Department of Public Safety. She stated that the department was not responsible to place untrained escorts on a scene. She expressed that it would be setting the City up for failure, alluding to the notion of a potential lawsuit.

She reiterated that the City may also be at risk without a proper staging area.

Councilor Lewis echoed the sentiments of Councilor Martinez. He reaffirmed his statement claiming that he would be in favor of Ordinance 2013-01 if proper training was established.

Councilor Valdez encouraged the Governing Body to help promote concepts towards the increase of revenues. He stated that opportunities of financial growth did not always exist and urged the Council to consider Ordinance 2013-01 as a means of creating future revenue.

Interim City Manager Duran stated that the potential of monies earned from the ordinance may be used to fund a position in Public Safety. He expressed that the concept was a valid means towards creating revenue.

Councilor Martinez commented that one of the potential areas for staging could possibly be the Ohkay Owingeh Casino. She expressed that creative thinking was needed under the circumstances.

Ordinance 2009-04: Utility Ordinance.

Mayor Lucero stated that this issue was a concern of Councilor Robert Seeds. She expressed the belief the fees needed to be addressed by the Public Works Committee. Councilor Lewis stated that he believed the Utility Ordinance 2009-04 should be reviewed by the Public Works Committee first as it had not yet been addressed at a committee level. Councilor Pedro Valdez agreed with Councilor Lewis and added that after review of the current rates, he agreed with the current charges.

Mayor Lucero stated after reviewing the rates, she discovered that the City was not making money from hook-up fees but trying to cover the cost of maintenance for machinery as well as line breakages. Councilor Valdez stated that there was a time when the City had to obtain monies from the General Fund in order to reconcile monies absorbed from the Utilities department. He stated that it was a better scenario to just break even rather than utilize the General Fund.

Interim City Manager Duran stated that an increase in water rates could help with employee retention. He commented that the salary that the City provided for Water and Wastewater workers was not very high considering the amount of physical labor involved. Interim City Manager Duran urged Council to consider the sustainability prior to reducing rates. He concluded his statement by adding that Water and Wastewater workers were more inclined to go elsewhere after they reached a level of certification because the City could not afford to pay more.

Ordinance 2010-09: Safety in Public Places

P & Z Director Naranjo replied that he believed the City of Las Cruces charged approximately two hundred and fifty (\$250) dollars for a business license which included a Certificate of Occupancy. He explained that was an example of the lowest charge for a city business license in comparison to the City of Espanola. He further stated that Santa Fe charged one thousand (\$1,000) dollars and Taos charged approximately eight hundred (\$800) dollars. P & Z Director Naranjo commented that there was a procedure involved prior to issuing permits and licenses that included plat review, building review and compliance with state regulation and certification procedures.

P & Z Director Naranjo agreed with the concerns addressed by Councilor Valdez regarding the Fee Ordinance. He stated that the work process conducted by the Planning & Zoning Department and City Clerk's Department constituted a larger fee. He concluded that the City was not making money on the current fees, but losing funds.

P & Z Director Naranjo stated that it would be justified to earmark the increased funds towards City projects, such as median beatification or addressing abandoned commercial and residential buildings. He suggested that it would be best to establish what the extra funds would be used for prior to determining the increase.

Councilor Lewis stated that he was in favor of increasing the fees to acquire a business license and/or other City permits. He expressed that a welcome sign entering Los Alamos read, "Where discoveries are made." Councilor Lewis commented that the sign looked attractive and showed community pride. He expressed that he would like to view a sign with a similar concept for the City of Española, possibly reading, "Where Cultures Unite." He concluded that a concept such as this would justify increased fees.

Mayor Lucero asked Deputy City Clerk Anna Squires the approximate amount of businesses who had applied for a license in 2013. Deputy City Clerk Squires responded that approximately forty six (46) new businesses had applied. She stated that the amount included contractors from out of state that conducted business within City Limits.

Mayor Lucero commented that Interim City Manager Joe Duran should first conduct a meeting with the Department Heads whose departments contribute to the work process for permits and licenses. She agreed that it would be a good idea to earmark increased funds towards specific projects.

Councilor Martinez stated that she would like to caution the Council against increasing fees all at once. She stipulated that the increase may cause a backlash from local business owners who had not anticipated the sudden rise. Councilor Martinez agreed that the fees should increase marginally and expressed that a collective amount of research should take place prior to future discussion. She also stated that City fees should be comparable to the hours worked by City employees to develop final documentation for licenses and permits.

Councilor Hernandez stated that he would like to contrast Ordinance 2000-08 with comparable municipalities. He also stated that he agreed that the Department Heads

Department of Public Safety Director Eric Garcia stated that panhandling within the City had decreased. He expressed that familiar faces were repeat offenders.

Mayor Lucero stated that with the upcoming holidays, the City may experience even more panhandlers.

Councilor Lewis stated that he had been hearing a lot of complaints regarding prostitution within the City and expressed fear that the elderly population may be targeted. Councilor Lewis stated that prostitution near and around hotels had a direct effect on the City's Lodger's Tax. He explained that tourists were more inclined to go ten (10) miles out of the City rather than deal with prostitution.

Councilor Martinez stated that she understood why families needed to supplement their income by selling the local paper and, it was the only source of employment for some. She questioned how it was legal for underage children to sell the newspaper atop a small median at dangerous intersections. Councilor Martinez stated that she felt the children impeded traffic and were in harm's way.

Councilor Martinez asked if it was feasible to consider the notion of charging higher fees for liquor licenses and permits because of the high volume of revenue incurred by liquor establishments.

City Attorney Frank Coppler stated that under the Constitution, newspapers were protected by Freedom of the Press in order to operate on street corners and medians. He explained that it went back to the very nature of how the enterprise began. He added that the legal age at which a minor could solicit the sales of newspapers was eleven (11) years of age.

Mayor Lucero stated that the panhandling issue should be addressed during the next broadcast session of "Coffee Break" on KDCE Radio. Director of Public Safety Garcia endorsed the concept and then asked to participate in the next segment to raise awareness of the potentially dangerous situation.

E. EXECUTIVE SESSION

There was no need to enter into Executive Session.

E. ANNOUNCEMENTS

Councilor Valdez announced that the *Walk Against Drugs* would be taking place on September 23rd at Bank of America beginning at 8am. Mayor Lucero added that the 2nd Annual Bike Drive would take place at Valdez Park after the walk was complete. She stated that sixty (60) bikes would be raffled off.

Mayor Lucero announced that the 28th Annual Española Valley Arts Festival would be taking place at the Plaza de Española on September 28th and 29th.

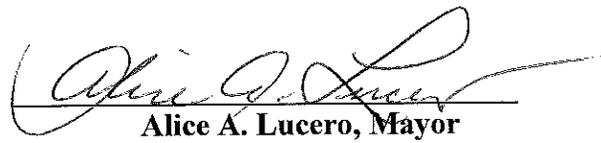
G. ADJOURNMENT

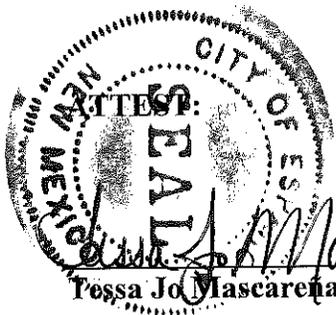
Motion to adjourn by Councilor Lewis; seconded by Councilor Martinez.

Motion carried 6-0.

The meeting was adjourned at 7:18pm.

APPROVED AND ADOPTED THIS 22nd DAY OF October, 2013.


Alice A. Lucero, Mayor


ATTEST:
Tessa Jo Mascareñas
Tessa Jo Mascareñas, City Clerk