WORK SESSION
OCTOBER 21, 2014 AT 6PM
CITY HALL COUNCIL CHAMBERS
405 N. PASEO DE OÑATE ESPAÑOLA, NM

A. CALL TO ORDER
The Work Session was called to order at 6:00pm by Mayor Alice A. Lucero

B. ROLL CALL/DETERMINATION OF QUORUM
The following in attendance:

Mayor:	Alice A. Lucero
Councilors:	Pedro Valdez
	Michelle R. Martinez
	Cory Lewis
	Adrianna Ortiz
	Peggy Sue Martinez
	John Hernandez
Absent:	Dennis Tim Salazar
	Eric Radosevich

C. APPROVAL OF AGENDA
Agenda as presented:
---Begin---

A. CALL TO ORDER
B. ROLL CALL/ DETERMINATION OF QUORUM
C. APPROVAL OF AGENDA
D. ITEMS FOR COUNCIL CONSIDERATION
1. City of Española Consolidated Fee Schedule
   a. Municipal Court
   b. City Clerk
   c. Planning & Land Use
   d. Community Services
   e. Water
   f. Wastewater
2. Discussion of Possible New Fees

E. ADJOURNMENT

At any time during the meeting the Governing Body may decide to enter into Executive Session Pursuant to New Mexico Open meeting 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 of water rights by the public body.

The Governing Body 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 at 747-6019 at least three days prior to the meeting.

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--End--

Mayor Lucero deliberated with Council with regard to the approval of the Work Session Agenda.

Councilor Peggy Sue Martinez stated that rate and fee information pertaining to the Española Public Library was submitted late by Community Services Director Mark Trujillo. Councilor Martinez further stated that she was not pleased that information was not provided within packet materials seventy two (72) hours prior to the meeting, as per the N.M. Open Meetings Act. She concluded that it was important to review all information provided by the department(s) within Community Services in an effort to make any future informed decisions. She thanked CSD Mark Trujillo for his efforts and further clarified that the discussion being held was for a Work Session not a Council Meeting.

Motion to approve the Work Session Agenda made by Councilor Adrianna Ortiz; motion 2nd by Peggy Sue Martinez.

Motion Carried 6-0

Mayor Lucero sighted the example of the Consolidated Fee Schedule Ordinance provided within the Work Session packet second (2nd) page. She further stated that once the ordinance was developed it would be finalized by the City Attorney and subject to advertisement prior to the implementation.

D. Discussion

1. City of Española Consolidated Fee Schedule

a. Municipal Court

Municipal Court Judge Stephen Salazar sighted page four (4) within the Work Session packet which reflected the Española Municipal Court current imposed fees. He stated that the first six (6) of eleven (11) Municipal Court fees presented were all mandated by N.M. State Statute.

Judge Salazar explained that the $3.00 dollar imposed Judicial Education Center fee allowed for continued education courses for the Judge as well as the Municipal Clerks. He further explained that the imposed DWI lab fees, DWI Prevention Fees and Substance abuse fees were all subject upon conviction(s).

Judge Salazar stated that anyone who had to appear in court for whatever reason(s) were subject to pay a minimum of $29.00 dollars. He further stated that person(s) who appeared in court and were not able to pay the imposed fee due to financial circumstances, were then deemed to commit to community service work.

Councilor Peggy Sue Martinez questioned Judge Salazar as to how community service work was accounted for. She further questioned the determined hourly rate for community service worker(s) in correlation to the $29.00 dollars. Judge Salazar responded in the affirmative, and explained that Municipal Court was equipped with accounting software, further explaining that time and services

rendered were documented. He further stated that the hourly rate of community service work was considered to be $7.50 per hour. Judge Salazar explained that four (4) hours of community service work equated to approximately $29.00 dollars.

Councilor Michelle R. Martinez questioned whether or not there was a cap on the amount of hours a Community Services Worker could incur. Judge Salazar replied in the affirmative stating that all defendants were given the opportunity to work their penalties off if it was determined that penalty fees could not be rendered. He further stated that the penalty fees were based on the crime committed and could range from as low as $30.00 dollars up to $1,000.00 dollars.

Judge Salazar stated that the fees which were not mandated by N.M. State Statute included; Victim Impact Panel Class, Shoplifting Intervention Class and Teen Court Fees. Judge Salazar explained that the (NSF) Non-Sufficient Fund Fee was imposed if a check did not clear the bank. He further explained that an amount of .75 cents (per copy) was imposed for Xerox copies made at the court and were further requested by people who had to appear in court or conducting court business.

Councilor John Hernandez questioned Judge Salazar of a possible method or way to appeal Municipal Court fees and/or structure mandated by N.M. State Statute. Judge Salazar explained that the process to alter Municipal fees mandated by State Statute would be sought through State Legislation and the legislative process.

Mayor Pro-Tem Pedro Valdez stated that he would like to see penalties increase for those caught defacing property by graffiti or other means of vandalism. Judge Salazar stated that those caught committing crime of any sort are provided their due process. He further stated that he believed the fees could be increased marginally but would look further into the matter.

Mayor Alice A. Lucero questioned if a class could be administered to prevent graffiti from continuing. Judge Salazar replied in the affirmative stating that although he believed the concept was a good concept the course to aid and rectifying the problem had not been developed and may not be cost effective.

b. City Clerk

Deputy City Clerk Anna Squires stated that the submitted Clerks Department Fees Schedule was developed by City Clerk Mascareñas. She further stated that City Clerk Mascareñas was not able to respond to questions from Council because she was attending the 2014 Municipal Clerks Institute.

Deputy City Clerk Squires stated the first four (4) of the six (6) fees presented were mandated by N.M. State Statute. She further stated that City Clerk Mascareñas explained to her that the current Business Registration Fee(s), Liquor License Tax, Records Request Hardcopy, Records Request Electronic Copy were not subject to change under Municipal Statute but further research may indicate that an additional fee increase to regulate the business registration process could possibly be instrumented.

DCC Squires stated that the Parade & Gathering Permit under N.M. State Statute (NMSA 1978

Section 3-49-5) could be addressed and revised if the process to assess and collect appropriately based on the services provided by the City. She further stated that other assessments and collections are made accordingly to amount necessary to cover the cost of such work.

DCC Squires stated that in her professional opinion the current Parade & Public Gathering Permit did not appropriately differentiate or separate types of events. She explained that specific Departments Heads such as the Director of Public Safety, Director of General Services (Field Services Director), Community Services Director and the City Manager were all required to sign-off on the permit in order for the desired act to take place.

DCC Squires stated that the permit did not elaborate on the scope of work that went into accommodating different types of events ranging from birthday celebrations within City park(s) to Parades conducted on and through State Highways, City and County Roads. DCC Squires stated that the current permit needed to be addresses and altered at some point. She further explained that the Director of General Services/Field Services Juanito Maes was often asked to help obtain proper documentation from the Department of Transportation (DOT) in order for a parade to take place.

DCC Squires stated that City Director(s) time needed to be considered prior to executing any type of services offered by the City. She further explained that the current Parade & Gathering Permit also required the signature and authorization of the Director of Public Safety. DCC Squires stated that the efforts to schedule an escort during a parade may require the Chief of Police to adjust time for a regularly scheduled Safety and/or Police Officer and would hence impact the department negatively.

DCC Squires stated that although the current process had been functioning, she felt there was room for further improvement(s) and modifications to the terminology (language) currently described on the Parade & Gathering Permit. She stated that an overall effort to increase the understanding of City services would help not only the departments involved but the City at large. DCC Squires stated that the current charge to use Public Parks and/or conduct a Parade was between ten ($10) and twenty-five ($25) dollars which including police an overtime cost(s). She further stated that the proposed fee increase would range from forty ($40) dollars to two-hundred ($200) dollars pending on the size of gathering/event and/or parade.

Mayor Pro-Tem Valdez stated that he would like the fee to be raised to reflect a two-hundred ($200) dollar base charge for the use of public parks, gathering and/or parades. He further stated that the amount would cover impact fees such as littering, public safety and/or possible damages.

Councilor Peggy Sue Martinez stated that she agreed with DCC Squires and would like the Clerks Department to redraft the Parade & Gathering Permit for council consideration and approval which would include; updating the terminology, modifying the fees to reflect appropriate costs and descriptions of City Services. She also stated that the use of Public Parks should be regulated through the currently approved Policy Agreement and the Director of Community Services.

Councilor Peggy Sue Martinez disagreed with Mayor Pro-Tem Valdez on the proposed amount of a two-hundred ($200) dollar charge for the use of public parks. She stated that the figure was too high

and should only be increased to reflect a forty ($40) dollar fee. She did agree that the fee should be raised to reflect a two-hundred ($200) dollar charge to conduct a parade. Councilor Michelle R. Martinez echoed the sentiments made by Councilor Peggy Sue Martinez.

Councilor Adrianna Ortiz stated that she would be gladly share useful information that may aid the City Clerks Department when re-drafting the Parade & Gathering Permit. Councilor Ortiz stated that she would also conduct further research in an effort to aid the process of adjusting fees mandated by State Statute for Business Registration. She further explained that there were different types of Business Registration Fees conducted by County entities which ranged from a level one (1) to a level three (3). Councilor Ortiz state that Municipal Statute may contradict what is allowed by County Statute.

Councilor Michelle R. Martinez stated that once an effective Parade & Gathering Permit was redrafted, approved, implemented as well as any and all associated fees determined, relative information pertaining to City documentation and services should be re-addressed (corrected) and posted appropriately on the City website. Councilor Michelle R. Martinez explained that it was important for the consumer to be better informed prior to conducting business. She further explained that by directing people to the City website with updated information/docs prior to addressing City Officials would potentially alleviate any questions and/or misunderstandings that they may have. Councilor Cory Lewis echoed the sentiments made by Councilor Michelle R. Martinez.

c. Planning and Land Use

Councilor Peggy Sue Martinez stated that that she wanted to re-address and enforce the ordinance which prohibits vending without a permit on public streets and/or parking lots within City limits. She stated that the streets of Española appeared to be an open market or fair game to anyone especially on weekends. She further stated that the act was not attractive and in her opinion was a drawback to the efforts of improving and addressing the City's image.

Councilor Peggy Sue Martinez stated that the City once limited public vending and designated a space much like an outdoor flea market for such activity and merchants. She stated that she would stand behind the efforts to endorse the suggested controlled activity and fee imposed to obtain such a license. Councilor Peggy Sue Martinez further stated that the City's internal submittal process should be regulated for all applicants. She suggested in an effort to enforce the process; all vendors as well as licensed business owners should be asked to exhibit/display all certification(s) and documentation, licenses etc. mandated by the State of New Mexico. Councilor Peggy Sue Martinez stated that in an effort to insure accountability, the process must be readdressed, vetted and enforced so that local Gross Receipts Taxes (GRT'S) were not impacted negatively.

Planning and Land Use Director Russell Naranjo thanked Councilor Peggy Sue Martinez for vital comments. He stated that his department provided extensive documentation within the packet materials comparing fees regulated by Rio Arriba County, Santa Fe County, Rio Rancho, Las Vegas, and Los Alamos N.M. for Councils review. He opened for any questions.

Councilor Peggy Sue Martinez stated that although the packet materials provided by the Planning and Land Use Department was good information and a fee basis of what other areas had developed, it was suggested by Council that the information rendered for the proposes of increasing and regulating fees within the City of Española be placed in a spreadsheet format to simplify the process for an easier comprehensive understanding and comparison. The sentiments were echoed by Councilor Michelle R. Martinez and Councilor John Hernandez.

Councilor Michelle R. Martinez further expressed that the terminology *Consolidated Fee Schedule* proposed that the City ordinance summarize and repeal any previous fee schedule established per Code of the City of Española. Councilor Michelle R. Martinez stated that she was confused with the approach and direction which Planning and Land Use Director Naranjo provided.

Planning and Land Use Director Russell Naranjo apologized to the Governing Body for any misunderstandings that they may have experienced due to the abundance of information provided by his department. He further stated that Department Head Meeting(s) continued to develop as per the request of City Council. P&LU Director Naranjo expressed that the Consolidated Fee Schedule Ordinance was essential to implement as the City continued to lose monies for the lack thereof. He further stated that once the ordinance was developed it would still need to be finalized by the City Attorney and subject to advertisement prior to the implementation.

P&LU Director Naranjo expressed that because the City has failed to impose impact fees through a developed ordinance which stipulated the amount(s) imposed to larger companies such as McDonalds and Walmart, the City had in-turn lost an abundance of monies through the years that could have otherwise developed City infrastructure and aided to acquire an essential Master Plan.

P&LU Director Naranjo stated that he would be willing to further develop a more streamlined comprehensive spreadsheet in an effort to aid Council with their efforts to help the City and make effective decisions.

Councilor Peggy Sue Martinez stated that she understood the importance of developing and maintaining a Master Plan for the City of Española. She questioned the opinion of Planning and Land Use Director Russell Naranjo as to what departments were essential to address in order for a potential Master Plan to develop.

P&LU Director Naranjo stated that the current Comprehensive Plan was now outdated as well as the portion of the Master Plan. He further explained that the Comprehensive Plan would need to be developed prior to the Master Plan. He continued to state that the cost to develop both essential plans could potentially cost the City over one-hundred thousand ($100,000.00) dollars.

P&LU Director Naranjo stated that the departments impacted by the Master Plan would be; *Planning and Land Use, Water and Wastewater*. He further commented that addressing the lack of a Master Plan was a step in the right direction to improve the overall sustainability of the City, improving infrastructure and regulating utility fees. He further commented that he would support Councils decision to move forward with that common goal if that was the consensus of Council. He further discussed determining fee regulation(s) of Commercial Classes one (1), two (2) and three (3) within

the respective departments. He stressed that the conversation needed to be addressed to support the foundation of any potential plan. Councilor Peggy Sue Martinez stated that she would like to continue the Work Session stressing emphasis on the three (3) departments.

Councilor John Hernandez, Councilor Ortiz, Councilor Michelle R. Martinez, Councilor Lewis, and Mayor Pro-Tem Valdez responded in the affirmative and echoed similar sentiments.

d. Community Services

Councilor Peggy Sue Martinez stated that she was pleased with the information which the Director of Community Services Mark Trujillo had provided and also agreed with the proposed increase to the fees within the department. Councilor Michelle R. Martinez, Councilor Ortiz, Councilor Lewis and Mayor Pro-Tem Valdez echoed the sentiments made by Councilor Peggy Sue Martinez.

Director of Community Services Mark Trujillo stated that he developed his analysis by comparing City costs to other local facilities as well as neighboring communities such as White Rock and Santa Fe. He stated that he was please Council agreed with the fees proposed for increase by his department.

Councilor Peggy Sue Martinez reinstated that the Community Services Department Head should communicate effectively with the Clerks Department in an effort to modifying the fees, appropriate costs and descriptions of City Services to reflect accurately on the Parade & Gathering Permit so there were no misunderstandings. She further reinstated that the use of Public Park(s) as well as Facilities should be regulated by the Director of Community Services and supported by the Policy Agreement.

Councilor John Hernandez stated that all determined information should also be translated into the City website. Councilor Hernandez then echoed the sentiments made earlier in the Work Session by Councilor Michelle R. Martinez. Councilor Hernandez questioned the age that was determined to be a *senior* in order to benefit from the food reduction costs at the Beatrice Martinez Senior Center. Director of Community Services Mark Trujillo responded in the affirmative, stating that to his knowledge the legal age that was determined to be a *senior* was fifty-five (55) years of age.

e. Water

Water Operations Supervisor Adrian Martinez stated that the current residential water fees were comparable to the cost(s) of Santa Fe and Albuquerque and should not be changed and were also priced at market value. He then reviewed the current fees pertaining to Residential Water Only Connection = $1,900 dollars, Parts Used for a Standard ¾" Connection = $600 dollars, Water Rights for Residents = $240 dollars.

Water Operations Supervisor Adrian Martinez further stated that after his analysis, the City of Española Utility Expansion Charge (UEC) was currently at a baseline amount of approximately $1,150 dollars for a Commercial Water Connection. WO Supervisor Martinez expressed that the urgency to address the situation should have been addressed years ago. He expressed that he

believed the matter needed to be looked into further and fees should be increased appropriately as a result. WO Supervisor Martinez stated that he understood regulation and implementation may not come overnight.

Mayor Pro-Tem Valdez proposed that by increasing utility charges by a small percentage may be a good consideration in order to budget for potential legislative impacts. Councilor John Hernandez, Councilor Ortiz, Councilor Michelle R. Martinez, Councilor Lewis, and Councilor Peggy Sue Martinez responded in the negative.

WO Supervisor Martinez continued to state that Santa Fe UEC fees reflected a $4,500 dollar fee. He further stated that City UEC fees for a two inch (2") connection w/compound meter, positive displacement meter were charged at approximately $5,000 dollars, in comparison to Santa Fe who charged a significantly higher cost of $17,500 dollars. WO Supervisor Martinez continued to express that a four inch (4"), six inch (6") and eight inch (8") City connection UEC fee was determined to be extremely lower coming in at an estimated $1,200 dollars. WO Supervisor Martinez stated that Albuquerque UEC six inch (6") and eight inch (8") City connection charge to customers was an estimated $100,000 dollars which was relatively higher.

WO Supervisor Martinez stated that currently the water rates were charged at an equal rate to the 1000 gallon rate for residential customers. He further suggested that the fees could increase by a fraction of a percentage to reflect on overall increase to total utility revenues.
Water Operations Supervisor Martinez stated that the proposed increase to fees would impact the Meter Deposit Charge for Bulk Water Hauling. He stated that the current fee was five-hundred dollars ($500) and the suggested cost would be one-thousand two-hundred dollars ($1,200), for a total increase of seven-hundred dollars ($700).

Water Operations Supervisor Martinez stated that determining Water & Sewer Commercial Classes one (1), two (2) and three (3) would be essential to further aid development and regulation of fees.

Councilor Michelle R. Martinez thanked Water Operations Supervisor Martinez for his analysis report and comprehensive spreadsheet. She stated that he and Wastewater Superintendent Vigil had both prepared documentation that was requested by Council and needed to be addressed at a continued Work Session Meeting. She further expressed that issues pertaining to *Planning and Land Use, Water and Wastewater* need to be reviewed and discussed to determining fee regulation of Commercial Classes one (1), two (2) and three (3) within the respective departments. Councilor Peggy Sue Martinez, Councilor Ortiz, Councilor Lewis and Mayor Pro-Tem Valdez echoed similar sentiments made by Councilor Michelle R. Martinez.

f. Waste Water Department

Wastewater Superintendent Perry Vigil stated that his presentation spreadsheet analysis was similar to that of Water Operations Supervisor Martinez. He further stated that his analysis of the City's sewer service including labor and material costs according to the size of the connection.

Wastewater Superintendent Perry Vigil stated that residential four inch (4") Service Hook Up

included the tapping of the main line which was conducted with a tapping tool, four inch (4") saddle and up to two (2) lengths of four inch (4") pipe in order to get service to the property line. Wastewater Superintendent Perry Vigil clarified that the City will no longer provide materials to tap into the main water line. He further stated that all work must be contracted by a licensed plumber and inspected by the Waste Water Department. He then respectively and briefly described the union and work ethic shared amongst the Waste Water & Water departments and differentiated the two departments by explaining a waste water pipe to that of a regular water pipe.

Wastewater Superintendent Perry Vigil stated that he included a proposed a fee increase of $500 dollars for a (4") Service Hook Up for an average cost of $1,000 dollars. He further clarified proposed fees for Commercial Class one (1) four inch (4") connection would increase to reflect a $1,500 dollar fee, Commercial Class two (2) six inch (6") connection would increase to reflect a $7,500 dollar fee, and Commercial Class three (3) would increase to reflect a $10,000 dollar fee.

Mayor Lucero thanked all department heads for their time and efforts to develop analysis and critical information for Council consideration. She further stated that the work session would continue and the Clerks Department would connect with the Governing Body to determine an appropriate date.

Councilor Peggy Sue Martinez suggested that November 19th may be a good date if there were no other conflicting meetings.

E. ADJOURNMENT

Motion to adjourn made by Councilor Cory Lewis; Motion 2nd by Councilor Michelle R. Martinez.

Motion carried 6-0

Meeting Adjourned at 9:46 pm

PASSED, APPROVED AND ADOPTED this 12th day of December, 2014.

Alice A. Lucero, Mayor

ATTEST:

Anna Squires, City Clerk

CITY OF ESPANOLA SEAL NEW MEXICO

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