

Summary minutes of:

**City Council Workshop
Monday November 16, 2009
6:00 P.M., City Hall Council Chambers
405 Paseo de Oñate, Española, NM**

Meeting was called to order at 6:05pm, with the following in attendance:

Mayor: The Honorable Joseph M. Maestas, Mayor of the City of Española

Mayor Pro Tem: Alice Lucero
Councilors: Danielle Duran
Rosario “Chayo” Garcia
Alfred Herrera
Helen Kain-Salazar
Cecilia Lujan
Edward Maestas
Dennis Tim Salazar

City Manager: Veronica Albin
City Attorney: Paula Maynes
City Clerk: Heather Velasquez
Deputy City Clerk: Sally Baxter

Staff: Len Cata, Community Services Director; Chief Julian Gonzales, Public Safety Director; Ben Ortega, Public Works Director; Russell Naranjo, Planning Director; Bernadine Martinez, Procurement Specialist

Members of the Public: Daniel Roybal, John Appel

Agenda as presented

---BEGIN---

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENTS

COUNCILOR COMMENTS

BUSINESS WITH VISITORS

STAFF REPORTS

1. Questions on Staff Reports
2. Questions on Finance Reports

ITEMS PROPOSED FOR COUNCIL CONSIDERATION

3. Election Resolution 2009-34 (both Spanish and English)
4. Recommendations for a General Contractor for City Hall Renovations
5. DFA Resolutions 2010-A and 2010-B
6. North Central Solid Waste Authority Financial Update
7. Request to set up a set day of the month for Committee Meetings
8. Ordinance 2009-09 Committee Rules and Structure
9. Recommended Federal FY 2011 Legislative Requests Update
10. Confirmation of Capital Outlay Funds Requested
11. Resolution 2009-35 Resolution to close WTB 2 Grant Funds
12. Ordinance 2009-10 Ordinance to amend Chamber of Commerce lease agreement to allow subleasing to Ayudantes.
13. DFA Resolutions for Lodgers Tax Funds
14. Discussion of a Future Film Ordinance

ANNOUNCEMENTS

ADJOURNMENT

---END---

Call to Order

Mayor Maestas called the meeting to order at 6:05pm

Pledge of Allegiance

Mayor Maestas led the Pledge of Allegiance.

Roll call

City Clerk Heather Velasquez read the names for the roll call.

Approval of Agenda

Councilor Herrera made a motion to approve the agenda as presented, seconded by Councilor Garcia. Acting City Attorney Paula Maynes asked to add an Executive Session; Councilor Herrera amended motion, Councilor Garcia amended the second. The motion carried 8/0.

Public Comments

There were no public comments.

Councilor Comments

Councilor Garcia said the annual toys bike run would be the coming Saturday, and said she wanted to encourage the Governing Body to attend. City Clerk Heather Velasquez said the proclamation would be presented at 12:30pm, and the event was on Sunday.

Councilor Duran said she would like for the City Manager or Councilors to consider that there was an open space at the Convento, and with WiFi at the Plaza, she would like to open the space to students and people using their computers, and use the space for meetings. She said the city had been very successful with meetings, weddings, etc., and asked if the space could be used for meetings.

Mayor Maestas asked the Community Services Director to look into the possibility. Len Cata, Community Services Director, said someone had approached him and was interested in opening a restaurant and he could look into it. Councilor Duran said people in the city were always looking for meeting space. Mr. Cata said the Bond House was also available for meetings, and had a kitchen. Mayor Pro Tem Lucero thanked Councilor Duran for bringing that matter up and said if there was a table in the restaurant or vacant office that would be great.

Councilor Duran said regarding the Chamber of Commerce and in kind services they provide, one thing they had been talking was getting people into the city, maybe having a billboard in Santa Fe to promote Española, and asked if that could be discussed in the future. The Mayor said some cities had designed and developed way-finding signs, color coded for areas, so that when someone entered another district, the signs were another color, He said he thought way-finding signs were a way to make Española a destination. The Mayor asked the Public Works Director to call the North Central Regional Economic Development District, and approach the Lodgers Tax Board.

Councilor Duran said one thing that had not been done was to determine what the office space was worth, and asked if the Council could talk about other in kind services. She said the Council could ask the Lodgers Tax Board to do a more targeted effort; she said they worked with people in Santa Fe and Taos, but needed better publicity for the Misión. Councilor Duran said there were buildings in Española just as worthy. City Manager Albin said a billboard was a great idea; she said over the next eighteen months Española would have the designation as the best small city in New Mexico, and a billboard would be a good use of that.

Mayor Pro Tem Lucero said the Chamber of Commerce had just contracted for a new Española Valley guide for the next two years, would like to have the best information

available. She said she would get with the City Manager on that, and the guide went all over New Mexico and the United States.

Business with Visitors

There were no items.

Staff Reports

Item #1, Questions on Staff Reports

Mayor Maestas asked if there were any questions on staff reports. The City Manager said at the last meeting it was requested that department heads each give a verbal report, and the department heads were present.

Len Cata, Community Services Director, said he had received three quotes for a roof repair and would get a contract on Friday, the Los Alamos National Laboratory had done a book drive for the Española Public Library and ninety percent of the books received were for kids, he had ordered a new book drop, lights and the family tree were underway at the Plaza, and he wanted to remind everyone that the parade on the 5th would start at dusk.

Councilor Duran asked what was happening with the tennis courts; Mr. Cata said he had spoken with Ms. Archuleta of the school district and the school board was considering the matter and the area being considered might need a survey to see if it was acceptable for the proposed tennis courts. Councilor Duran asked if this would need a Request for Proposals or a Memorandum of Understanding with the schools; Mr. Cata said not at this time as the city needed \$98,000.⁰⁰ for the project. Mr. Cata said the schools had their share of the funding needed.

Chief Gonzales, Public Safety Director, said regarding the proposed regional jail, he expected to have a “yes or no” answer by the following week as to whether the project would proceed. The Mayor asked the Chief to summarize the Town Hall meeting; the Chief said it had gone well, people had questions regarding graffiti, gangs and crime rates and staff were able to address the questions. There had been questions regarding staffing and manpower was increasing although it took eighteen to twenty-four months for the training required to have fully qualified officers. He said they had discussed the Police Department, Fire Department, Animal Control and Detention.

Mayor Maestas said they had gotten feedback from previous events regarding the Town Hall meetings and he asked City Clerk Heather Velasquez what she had done with the information; the City Clerk said some individuals had left email addresses and she would work with Joaquin [Maestas, city IT] to be able to distribute information for upcoming Town Hall meetings. She said the information for the Town Hall meeting just held had not been gathered and sent out in a timely manner but would be sent via email for future meetings. The Mayor asked the City Clerk to put together a brief recap of her notes of the meeting for the next newsletter.

Ben Ortega, Public Works Director, said the city water system was connected to Cuatro Villas and the city was supplying bulk water to them and they were satisfied, there were major water improvement projects and he was ready to secure loans through NMFA, he hoped to have the Santa Clara bridge twelve-inch transmission main in less than six months, the 84/285 connection had been delayed but would be made in the next ten days to fully loop the community, for Industrial Park Road he had submitted the street light information and expected DOT approval this week as a change order, and the Zuni/McCurdy plans had been approved and he would be meeting with the design firm in the coming week.

Councilor Lujan thanked Mr. Ortega for the update and his efforts on the projects. Mr. Ortega said regarding Pacheco Lane, he had met with residents and the civil engineers and the project would include paving and curb and gutters and he would be soliciting proposals from three firms. He said the neighbors would dedicate property needed to widen the road

to the city at no cost. Mr. Ortega said the State Department of Mines had given the go-ahead to cap three wells which needed to be closed before the closing of the mine.

Mayor Maestas said before Mr. Ortega had joined the city, the city had had problems with the mine, and he thanked Mr. Ortega for his efforts.

Mr. Ortega said the next day he would be taking a few staff members to Farmington to see a geothermal system. The Mayor asked if the geothermal project could be done with the renovations for City Hall; the City Manager said they had to be separate because the renovation project had already been bid.

Mr. Ortega said street improvement projects included pothole repairs and adding street signs. The Mayor said he had received citizen complaints regarding paving streets without adjusting the height of manhole and valve covers. Mr. Ortega said a contract for that would go out in the coming week.

Mayor Pro Tem Lucero with the improvements to Lower San Pedro, there were still drainage problems; Mr. Ortega said the area was outside the project scope but the DOT was voluntarily making some improvements, however, there was an issue with a property owner opposed to having the street drain on his property. He said the DOT was trying to feather the pavement so as not to impact a single property. Mayor Maestas said the original plan was to improve Lower San Pedro all the way to Hamm Street and extend two bridges on Riverside, but there was not enough money for the project. The Mayor said the city needed to plan on making those improvements in the future.

Councilor Lujan said she wanted to express her appreciation as she had heard from constituents that they appreciated the improvements. She said she thought the Oñate bridge work was going to continue; Mayor Maestas said they were trying to get that done. Mr. Ortega said he and the City Manager had met with the DOT.

Mayor Maestas said the city didn't manage all of the street lights, that Jemez had some of them, and the city was renegotiating the franchise. Councilor Garcia said she was hoping the city could work with Santa Clara for improving Parkway Drive; she said it was horrendous and she wanted to fix it. Mayor Maestas said the city had proposed improving Hamm Parkway but did not get approval because of budget issues. He said the city had also tried to include the improvement with the wastewater treatment plant, and he said he agreed that there were drainage problems and potholes. Councilor Garcia said it was not even graded.

Mayor Maestas said there used to be a joint maintenance agreement and maybe Mr. Ortega and Anthony Trujillo (Streets) could meet with them and see if it was on the grading schedule.

City Clerk Heather Velasquez said she had a few items. She said she and the Deputy City Clerk had attended the first of three years of certification courses and had attended election school, which were really big items. She said she had met with the Rio Arriba County Clerk regarding the election and was working with the Planning Department to identify individuals within the city boundary. She said the Electric Light Parade would be December 5th and she was coordinating the city float and would be preparing the float starting December 3rd. She said it was really exciting. She said she would work on scheduling the next Town Hall meeting. She said she wanted to pass around a framed picture of the Governing Body and these would be placed in all city buildings.

Mayor Pro Tem said she was glad the City Clerk was working with the Rio Arriba Clerk, but also needed to work with the Santa Fe County Clerk. She said there used to be problems with the people in Santa Fe and it was best to work it out before the election.

Councilor Herrera asked if minutes for council and committee meetings were on the website; the City Clerk said that as they were approved they were added. Councilor Herrera asked how far back they went; the City Clerk said 2006. The City Manager said

they were available electronically back to 1970; the Clerk said any requests for minutes could be sent to the Office of the City Clerk.

Russell Naranjo, Planning Director, said the Planning Department was working diligently on a citizens' guide to the building permit process so people could see what they needed to bring in and he hoped it would streamline the process, there was an increase in building permits issued in November and even with a recession things were happening in the city, he had met with three developers, the GIS had finalized the address atlas which was a set of maps and the Police Department would be given hardcopy and electronic versions so they could check addresses in their vehicles, there would be a map atlas library online, and he would see what the city could apply for in the upcoming stimulus funding.

Mayor Pro Tem Lucero thanked him for the report and asked if the district map would be available online; Mr. Naranjo said not yet but he would get it online.

Item #2, Questions on Finance Reports

The City Manager asked if this could be presented at the regular meeting.

Item #3, Election Resolution 2009-34 (both Spanish and English)

Mayor Maestas asked if the City Clerk would be presenting the item.

The City Clerk said the members of the Governing Body had the resolution before them, it was a model from election school which had been drafted by the New Mexico Municipal League and City Attorney Paula Maynes had made some minor changes in spelling in the Spanish version. The City Clerk said she had talked with the City Manager to consolidate polling places and wanted to defer to the City Manager for the remainder of the discussion.

The City Manager said in 2008 the election had used the five polling places that had been used historically and she had talked with the Municipal League and they said polling places could be consolidated. She said in the previous election, five places had been difficult to handle, needing twenty-seven poll workers, which had been difficult to find and on election day she had gotten feedback that they had a lot of "down time" so having two places would be cost effective. The City Manager said the city would use the "Ballot on Demand" system which would save money because it would mean not ordering ballots that didn't get used. She said the City Clerk was working on getting the approval from the Secretary of State to use the "Ballot on Demand" system. The City Manager said regarding the resolution and the question for the General Obligation Bond for the library, there had been a meeting that day and the Task Force recommended changing the wording to add "to be paid for by property taxes". She said on the resolution, item "G" needed to include the Santa Fe County Clerk.

Mayor Maestas asked if the "Ballot on Demand" system would know precinct 40 had been split; the City Manager said yes, depending on how the Clerk worked with the County Clerks to get rosters listed by districts. The City Manager said there needed to be wireless systems that could talk to each other at the polling places to ensure people didn't vote twice.

Councilor Duran asked about people who showed up but weren't in the system, citing, for example, people who paid city taxes, had always been in the city, had voted in city elections, but weren't on the list, would they be able to vote. The City Manager said the County Clerks would be on call and could fax affidavits to the City Clerk proving those individuals were eligible to vote. Councilor Duran said she remembered one person who had had a hard time voting, and she wanted to be sure there would be provisional ballots.

Mayor Maestas asked who was doing the Spanish translations; the City Manager said John Archuleta of George K. Baum. Mayor Pro Tem Lucero asked if the Bond money could be used to renovate the existing library; the City Manager said the GO Bond was proposed for a new building. Councilor Duran asked if the bond would require raising property taxes; the City Manager said yes. Councilor Duran said there was nothing in the question on the resolution that referred to raising property taxes and she wanted it to be clear to people exactly what they were voting on. She said she didn't want there to be a negative referendum after the election because people had not been informed. She said some people

vote without having done homework on the issues and could say later they didn't know it would mean raising taxes.

City Clerk Heather Velasquez said she wanted to have public service announcements on KDCE [radio], polling places and the precincts to inform people.

Mayor Maestas said the information needed to be fully disclosed. Councilor Duran said she didn't want there to be a backlash for posing the question in a way that was unclear.

Councilor Herrera said he would like staff to look into the purpose of a GO Bond, some purposes were left out like design and planning, and the new wording included furnishing. He said he wanted staff to look at that because with a Bond, it would mean paying twenty to thirty years interest on furniture. He said if not part of the Bond, he wanted staff to consider how else the library might be furnished. Councilor Herrera said he liked the idea of consolidating precincts but was concerned about the La Joya fire station because of the logistics.

The City Clerk said parking was her concern also although there was a vacant lot across the street. She said she would contact the property owner to see if voters could park there and if not, parking would be a problem. She said she thought of ranchitos but the building was confined and at the fire station there was an entire bay. She said she would try to reach the property owner to see if voters could park there.

Mayor Maestas said he agreed the space was limited and asked the Clerk if she had talked with the priest at Santa Cruz to see about using the gymnasium. Councilor Lujan said she would advocate for that. The Clerk said the city could do the gym.

Councilor Lujan said she and the City Clerk could talk with the priest; the Mayor asked if a space agreement would be needed. The City Manager said two years previous the city had been allowed to use the lobby area, not the gym. She said the gym would be a great place but without it, the area was too small.

Mayor Maestas asked the Clerk to check ranchitos and Santa Clara. Councilor Lujan said she would go to Santa Cruz with the Clerk. Councilor Herrera said ranchitos was too small; the City Manager asked Planning Director Russell Naranjo to discuss the site. Mr. Naranjo said at the previous election, he had been a poll worker at the site, and it was a problem that it was small. He said the line needed to go outside the door and it was unheated, and people didn't want to wait, so there was a low turnout. He said the parking was fine, the 100ft buffer was fine, but the space itself didn't work.

Mayor asked about the gym at Fairview; the City Manager said they had said the library could be used but it was too small for consolidating precincts. Councilor Kain-Salazar said there was another church on La Joya and it had ample parking; the Mayor said the pastor had said in 2006 it couldn't be used again.

Councilor Duran asked if the Clerk had looked at the Pajarito Housing area. She said she liked it instead of going all the way out to La Joya and thought three polling places should be considered. The Clerk asked what the name was; Councilor Duran said Pajarito.

Mayor Maestas said if there were only two places, some precincts were small and it was good to consolidate. He said he thought La Joya or Santa Cruz were good places to look at.

The Mayor yielded the floor to Daniel Roybal; Mr. Roybal said the recommended suggestions were per the task force and Dekker. He said he wanted to thank the Governing Body for their support and efforts.

Mayor Maestas said he wanted to thank Mr. Roybal, Mr. Cata and Ms. Riehl. Mr. Roybal said the City Manager, Mr. Cata and Ms. Riehl had shown outstanding levels of professionalism.

The City Manager asked if the Governing Body wanted the Clerk to go with two or three polling places. The Mayor said three would be better, but two would be okay if the place was bigger like Santa Cruz.

City Clerk Velasquez asked Councilor Duran if Santa Cruz would satisfy her; the Councilor said she thought so although she was worried about having everything on one side. She said two big places would be fine.

Item #4, Recommendations for a General Contractor for City Hall Renovations

Bernadine Martinez, Procurement Specialist, presented:

Ms. Martinez said she was asking for approval to award the contract for the renovation of the City Hall Council Chambers and committee Room, there had been a bid opening, 4-As was the low bid, and so she was asking to award the contract to 4-As.

Councilor Garcia asked how this was being paid for; the City Manager said there were two appropriations, each for \$100,000.⁰⁰ with a balance of approximately \$165,000.⁰⁰ after the design. Councilor Duran said she hadn't heard of 4-As; Ms. Martinez said they were from Taos and had remodeled the Senior Center.

Mayor Pro Tem Lucero asked if Blue Skies was the only local contractor; Ms. Martinez said RVC was also local but didn't meet the low bid even with the 5% local preference.

Councilor Lujan said she wanted this on the regular meeting agenda as a separate action item.

The City Manager said the contractor was asked to use local suppliers.

Item #5, DFA Resolutions 2010-A and 2010-B

City Manager Veronica Albin presented:

The City Manager said there were two DFA (New Mexico Department of Finance and Administration) resolutions, one for \$5,000.00 for Healthy Kids which was part of Healthy New Mexico, and the second was \$145,000.00 for the Plaza. She said she was requesting these be put on the Consent Agenda for the regular City Council Meeting.

Mayor Maestas told the City Clerk to put these on the Consent Agenda.

Councilor Lujan said Healthy Kids was in conjunction with the schools.

Item #6, North Central Solid Waste Authority Financial Update

Ben Ortega, Public Works Director, presented:

Mr. Ortega said a month prior the Governing Body had asked him to investigate the status of the city account, he was the alternate to the Mayor on the Board of Directors, and he would present any comments the Governing Body had at the Authority's next meeting.

Mr. Ortega said the packet information explained the Authority came into effect August 2004, the Authority agreed to provide city wide trash pickup, agreed to pay Española twenty percent profit above the rates for commercial traffic picked up more than once per week, and provided a city discount. He said at the time it seemed a way to generate revenue for the city, also offered to pay the city an administrative fee of 5% to process billings on their behalf. Mr. Ortega said since 2004, \$379,000.⁰⁰ had been paid to Española, they owed the city \$244,000.⁰⁰; he said a problem he had seen regarding putting pressure on the Authority was regarding their financial difficulties. Mr. Ortega said typically the Authority operated at \$5,500.⁰⁰ in the red every month.

Mr. Ortega said additionally, the Authority was obligated to pay the city \$7,200.⁰⁰ per month, money they owed city, had offered to work out a repayment plan and were looking at a formal repayment plan, but hadn't paid since January 2007. Mr. Ortega said now was the time for the city to commit to the Authority, however, the agreement was that they would pay for exclusive rights. Mr. Ortega said he talked with the manager regarding a possible reduction in collections the city collected for them, so that the city would not pay them the full amount collected, rather, deduct something each month. He said for example,

the city might keep \$10,000.⁰⁰ per month, but also an option was loaning them funds to get transport trucks because currently they took the trash to Rio Rancho and there were costs to haul that far, so the city could provide them additional vehicles so they could reduce their operating expenses. Mr. Ortega said another option was to negotiate a closer tipping station. He said he and the City Manager would have to have a discussion with the Authority.

Mayor Maestas said he wanted to assist the Authority but this had an impact on the city as well. He said he liked the option to intercept part of the billings and didn't think the city was ready to discuss other options; he said the focus should be on the money owed.

Councilor Herrera said he had noticed the Authority had not been able to put on their books all of the land owners in Rio Arriba County and was looking at a records gap of approximately 5,000 households in the county not on their books. He said a mass mailing was underway which hopefully would generate additional customers which would generate revenues. He said the Authority had an attorney on board to take legal action against people with overdue bills.

Mayor Maestas asked if the Councilors were in agreement to work with the Authority regarding repayment. Councilor Duran said the city needed to work with them and she didn't want trash pickup stopped. She said her concern regarding intercepting billings was the concern that people continue to get service and making sure service didn't suffer. She said if it looked like service would suffer, there needed to be further discussions to ensure service continued.

Mayor Maestas said the rural portion of Rio Arriba County had its own fee structure and the city enterprise had been operating in the black. He said it needed to be looked at to ensure the county was paying its fair share rather than the city subsidizing county services. He said the city needed to be mindful there were two enterprises. He said he wanted the Councilors to be kept informed.

Item #7, Request to set up a set day of the month for Committee Meetings

City Clerk Heather Velasquez presented:

The City Clerk said she would like to set up Public Works and Finance Committee standing meetings, Public Safety was coordinated through the Police Department, Community Development had the first Monday [of each month] as a standing meeting, it took an hour to post for meetings, and she would like to post once a month.

Councilor Lujan said Public Safety met the first Monday of every month. The City Clerk said if the meeting was in the Council Chambers, Community Development could be held in the Committee Room. Councilor Lujan said her concern was staff members who might need to be at both meetings, making sure the meetings were coordinated so staff who needed to be at both were available. She said if the Committee Rules and Structures Ordinance were passed, every district would be represented in each committee. Councilor Lujan said there were only three people on the Community Development Committee at present and the Mayor Pro Tem or Councilor Maestas was needed on that committee and she thought one or both were on the Public Safety Committee.

City Clerk Velasquez said she wanted to go out only once a month to post for the preceding [upcoming] month's meeting; she asked what dates the Public Works Committee could meet. Councilor Lujan said the first Tuesday or second Monday.

Councilor Herrera said he liked the idea of fixed dates and had been advocating for that for some time and his suggestion was that the Finance Committee needed to be after all the other committees because if the other three had discussions with fiscal impacts the matters could go right into The Finance Committee then on to the workshop; he suggested switching the proposed dates for Public Works and Finance.

Mayor Pro Tem Lucero said she agreed. Mayor Maestas said he also agreed the other committees should precede Finance. Councilor Garcia said with the times proposed, they would be meeting Mondays through Wednesdays of the first week.

Mayor Pro Tem Lucero said Finance could meet on the second Thursday of the month, Public Works on the first Thursday of the month, Public Works on the first Tuesday, Community Development on the first Monday and Public Safety on the first Monday also. Councilor Duran said she wanted to be sure Finance was always after the other committees no matter what day of the week the month started on.

Item #8, Ordinance 2009-09 Committee Rules and Structure

City Clerk Heather Velasquez presented:

The City Clerk said she was very popular this evening presenting items. She said she had incorporated a few changes pertaining to when Executive Committee could and could not be called. She asked if the Governing Body wanted to go item by item, and said she had posted the notice for the proposed ordinance.

Mayor Maestas asked the Clerk if she had posted for a public hearing; the Clerk said she hadn't posted in time so the regular meeting would have to be moved to November 30th.

Mayor Pro Tem Lucero said there was a typo in the third "Whereas". Councilor Duran said the ordinance needed to be reviewed using a spell-checker. She said she suggested reviewing the ordinance and thinking about the consequences of the ordinance as proposed, and any changes could be discussed at the next meeting.

City Manager Veronica Albin said the second page referred to administrative co-chairs. Councilor Duran said that "Whereas" should be removed and instead of co-chairs, there should be staff advising the committees. She said if the Governing Body did want staff co-chairs, they should be non-voting members who advised the committees.

Councilor Duran said if a committee member missed three consecutive meetings without good cause, she wanted to know if the member should be removed from the committee or censured.

Mayor Maestas asked if the Council wanted to remove staff co-chairs or leave it; Councilor Duran said she would prefer it be removed. Mayor Maestas said he wanted the public hearing to be on the agenda for the 30th.

Item #9, Recommended Federal FY 2011 Legislative Requests Update

City Manager Veronica Albin presented:

The City Manager said in a meeting that afternoon she had gotten recommendation from the department heads for legislative requests, both federal and state. She said she had a request for the Lucero Center which was \$175,000.00 for the pools, a request for the Senior Center for replacing HVAC and evaporative cooling, a request from the Clerk for a laserfiche system and laptops for meetings, and a request from Public Safety for funds for equipment, vehicles and records maintenance.

The City Manager said items discussed at the meeting had also included BLM (NM Bureau of Land Management) land regarding how to acquire and use BLM land and water and wastewater requests for federal and state funds. She said regarding the water and wastewater, state funds were included because there were usually fewer or smaller matching fund requirements. She said Title 2 money from 2004 had been \$3 million but it had not been funded. She said there had also been discussion regarding the Bond House air-conditioning and equipment for self-guided tours and seeking funds from the Department of Cultural Affairs or state tourism for those items.

The City Manager said she felt these requests were well rounded. Mayor Maestas said there was a deadline as federal requests were due at the end of the month. The Mayor said the city should apply for any STAG (State and Tribal Assistance Grants) grants available for treating uranium in water and funding for drug interdiction; he said he wanted the city to do more to prevent the flow of drugs into the area.

Councilor Duran said Judge Salazar had asked about funding for a case manager and she had directed him to work with the county but still wanted to make the request. She said she

also wanted to seek funds to renovate the municipal court as it was in desperate need of renovation.

Councilor Herrera said he supported the same items. Mayor Maestas asked to have the final packet for the meeting on the 30th.

Item #10, Confirmation of Capital Outlay Funds Requested

This item was not discussed.

Item #11, Resolution 2009-35 Resolution to close WTB 2 Grant Funds

City Manager Veronica Albin presented:

The City manager said John Appel from the loan council for the New Mexico Water Trust Board (WTB) loan authority was available to answer any questions. The City manager said the grant from the WTB was for a million dollars plus and was for El Llano and the Santa Clara Bridge, funding had been in the works for several years and had been approved by the WTB earlier in the year. The City Manager said she was requesting approval to proceed with the closing and if approved could close on December 11th.

Councilor Garcia said she wanted to be sure there was an easement for the Santa Clara bridge; Mr. Appel said his understanding was that there were easements for the entire project and without those couldn't close. He said he would ask his staff and the city attorney to certify rights-of-way were obtained for the project.

Councilor Garcia said she was worried about Ohkay Owingeh because easements were needed from both pueblos. The City Manager said Ohkay Owingeh had been provided preliminary drawings and in the discussion with them, they had granted permission. She said they had discussed an MOU (Memorandum of Understanding) and the pueblo had given permission to install the lines, have a survey, then finalize the easement, negotiating after the lines were in the ground.

Councilor Garcia asked why this would be after the lines were in the ground; the City Manager said this was so the actual location of the lines would be in the survey.

Mr. Appel said he would probably not attend the November 30th meeting.

City Manager Albin said on the 30th would be a request for the water trust ordinance to be heard, it had a loan component which was a ten percent loan component and a twenty percent match requirement. She said this was the 2008 award. Councilor Herrera asked for more information regarding the loan component; Mr. Appel said under the current WTB policies, recipients were asked to take a portion of the award as a loan. He said it would be \$258,000.⁰⁰ for twenty years with annual payments of approximately \$13,500.⁰⁰ and had a zero percent interest rate with a one-quarter of one percent administration fee. He said the loan was pre-payable at any time and was pledged from the net utility system revenues but was subordinate to any other debts now or in the future. Mr. Appel said also there was a waiver component if there was an unexpected contingency meaning if the city couldn't make a payment the city could submit documents to the DFA (NM Department of Finance and Administration) and the DFA would decide if there was a contingency for the city to have a payment waived. He said if a payment was waived, it was waived permanently.

Councilor Herrera asked how the city intended to repay this loan; the City Manager said from the net revenues of water and wastewater. She said the net balance would be calculated into future years and would be built into the rate structure when it was reevaluated for the next year's budget.

Mayor Maestas asked why this was being presented as an ordinance; Mr. Appel said it was because of the loan component. He said it could have been a resolution if there were an agreement with the New Mexico Finance.

Mayor Maestas said there would need to be a public hearing at the next meeting for the ordinance.

Item #12, Ordinance 2009-10 Ordinance to amend Chamber of Commerce lease agreement to allow subleasing to Ayudantes

Acting City Attorney Paula Maynes presented:

Ms. Maynes said she had been asked to look at permitting the Chamber of Commerce to sublease the property at 710 to Ayudantes, the ordinance being considered would amend the current lease to allow subleasing for any portion of the property or the term of the lease, and this wouldn't affect the terms between the city and the chamber.

Mayor Maestas said Yolanda Nuñez had told him Ayudantes was losing their current location, and they were the only nonprofit which provided behavioral health services to city residents; he said this would be a temporary option for them to have a place to move their office and this ordinance was to provide flexibility to the chamber lease.

Councilor Duran asked what would happen if the city decided to sell this property, and regarding in kind services and the space provided in the Convento, the original lease had in kind services. She said the city was not collecting anything on the 710 property so if the chamber was to receive money from 710, the money received should increase the amount of in kind services they owed to the city. She said there were dual contracts with the chamber for space and the city hadn't asked them to move their building so the property could be sold, so already there was a cost to the city with the building there empty. Councilor Duran asked if the chamber received revenue, should the city receive more in kind services from the chamber.

The City Manager said because the proposed ordinance didn't affect the terms of the lease the city couldn't request part of the lease or more in kind services.

Councilor Duran asked if the city could find out what the terms of the lease to Ayudantes was. City Attorney Maynes said nothing in what she had drafted referred to the amount of the lease and as the chamber was currently giving the city rent (in the form of in kind services) they would have the right to sublease the property. She said the city had the right to audit and the right to terminate the lease with thirty days' notice. She said the city would not have an obligation to Ayudantes if the city wanted to sell the property.

Councilor Duran said she had never felt the original lease with the chamber was fair because it had never been quantified as to what the city was getting out of it, and the city was renting a space that could potentially be sold. She said if the chamber was collecting rent well beyond what the city was receiving in the form of in kind services, she wondered if the Governing Body was being fiscally responsible to the citizens of Española.

Mayor Maestas said the city had a professional services agreement with the chamber; the City manager said the value had never been quantified but the professional services were for the rent. Mayor Maestas said the Governing Body could move forward with the proposed ordinance as the space was for a nonprofit that needed temporary space to house its offices. Ms. Maynes said none of the terms of the lease with the chamber would be altered as this was just to give them permission to sublease the 710 property to a tenant.

Mayor Pro Tem Lucero said this had not gone before the chamber board, the chamber's building was on the market for sale, the proposed ordinance would allow time to terminate the lease if needed, and there was a need for these services in the community and someone to fill it. She said the chamber was not in this to make money, would like to see the building used, and in the past had looked at subleasing the property and sharing the rent.

Councilor Duran said she appreciated the Mayor Pro Tem's comments regarding helping the community but the Community Development Committee had twice recommended that the property be sold.

Item #13, DFA Resolutions for Lodgers Tax Funds

City Manager Veronica Albin presented:

The City Manager said the information had been provided for the packets on the wrong forms so the information would need to be provided at the next meeting. She said at the

previous Lodgers' Tax Board meeting, she had explained to the board members where the money was and they had identified \$13,000.⁰⁰ to be moved from the 215 fund to the 214 fund. She said the 215 fund was administered by the City Clerk and the Clerk had said she was willing to transfer the funds so the board could have the funds to award small grants.

Mayor Maestas asked to have this as a stand alone item on the next agenda.

Item #14, Discussion of a Future Film Ordinance

Plaza Director Andrew Herrera presented:

Mr. Herrera said the packets included general information from the state film office and a copy of the application Santa Fe used. He said this was being provided per a request by Councilor Duran and the ordinance could be a possible benefit to the city as filming in New Mexico had become very popular.

Mayor Pro Tem Lucero said she had just received the information this afternoon.

Mayor Maestas said he suggested they review the information, look at the cost of enforcing it, and decide if it would discourage filmmakers. He said he recommended surveying a successful city to see if they had a regulatory framework.

Councilor Duran said she was interested in this because people in northern New Mexico were becoming interested in filmmaking, people made money on films, she knew Mr. Herrera had been involved in films, and there were a lot of things coming together that the Governing Body didn't have information about.

Councilor Duran said the Governing Body had not provided any framework information to the Police Department regarding safety, hadn't provided any information to shops in town or the chamber, and the college [Northern New Mexico College] had a fine arts department, so she thought the city should have a liaison to work on compiling regulations and scouting sites.

Mayor Maestas asked Councilor Duran if the Community Development Committee would vet the issue. Councilor Garcia said at the Municipal League conference, there had been a presentation regarding the pros and cons and the cons presented were discouraging. She said this included disrupting the town and she felt this needed to be looked at thoroughly.

Mayor Maestas said he felt the Community Development Committee should make a recommendation to the Council. Mr. Herrera said regarding safety, there had been several productions in the city in the past and Española was "on the map" with the film industry. He said he had started photographing sites in the city and possible the Lodgers' Tax Board could be brought in to help promote filming in Española if this was something the Governing Body wanted to pursue.

Mayor Pro Tem Lucero made a motion to enter Executive Session in accordance with sections 10-15-1 A and H regarding personnel matters and pending or threatening litigation. Acting City Attorney Paula Maynes said she wanted to meet with members of the Governing Body regarding probationary employees at the jail and to discuss judicial standards regarding the municipal judge. Councilor Maestas seconded the motion.

A roll call vote was taken and the motion carried 8/0.

The Governing Body entered Executive Session at 8:31pm.

Councilor Garcia made a motion to end Executive Session, seconded by Mayor Pro Tem Lucero. The motion carried 8/0.

The Governing Body exited Executive Session at 9:15pm.

The matters discussed in the closed session were only those specified in the motion for the Executive Session.

Adjournment

Councilor Lujan made a motion to adjourn, seconded by Councilor Garcia. The motion carried 8/0.

The meeting adjourned at 9:16pm.

*Minutes taken and transcribed by Sally Baxter
Deputy City Clerk/Public Information Officer*

APPROVED AND ADOPTED THIS _____ DAY OF _____, 20__

Joseph M. Maestas, Mayor

Attest:

Heather Velasquez, City Clerk