

Summary minutes of:

City Council Workshop  
Tuesday, January 19, 2010, 6:00pm  
Public Safety Meeting Room  
1316 Calle Adelante  
Española, NM

## Call to Order

Mayor Maestas called the meeting to order at 6:02pm with the following in attendance:

Mayor: The Honorable Joseph M. Maestas, Mayor of the City of Española  
Mayor Pro Tem: Alice Lucero  
Councilors: Alfred Herrera  
Helen Kain-Salazar  
Edward Maestas  
Rosario "Chayo" Garcia  
Dennis Tim Salazar  
Cecilia Lujan

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

Staff: Ben Ortega, Public Works Director; Len Cata, Community Services Director; Anthony "Hawk" Trujillo, Streets; Teddie Riehl, Library Director; Fire Chief John Kitchen; Barry Vigil, Wastewater Department; Joaquin Maestas, IT (speaking as union president)

Members of the Public: Willie Atencio, Dan Kemme

Absent: Councilor Danielle Duran

## Pledge of Allegiance

The Mayor led the Pledge of Allegiance.

## Roll Call

The City Clerk read the names for the roll call.

## Approval of Agenda

Agenda as presented:

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS**

**COUNCILOR COMMENTS**

**BUSINESS WITH VISITORS**

1. PRESENTATION AND PROGRESS UPDATE BY DEKKER/PERICH/SABATINI FOR NEW LIBRARY

**ITEMS PROPOSED FOR COUNCIL CONSIDERATION**

2. Request by Senator Richard Martinez for approval of use of Senior Center on February 25, 2010 for Democratic County Convention
3. Mid Year Budget Review

**ANNOUNCEMENTS**

**ADJOURNMENT**

*At any time during the Open Meeting, the Governing Body may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. 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.*

Mayor Pro Tem Lucero said under “Public Comment” they had Willie Atencio.

***Councilor Salazar made a motion to approve the agenda as amended, seconded by Councilor Kain- Salazar. The motion carried 7/0.***

The Mayor apologized for technical difficulties that prevented broadcasting the meeting on KDCE radio.

### **Public Comments**

The Mayor opened the floor to the public.

Willie Atencio, a member of the public, spoke.

Mr. Atencio said he was at the meeting to find out if the city had made any progress on Pacheco Lane improvements; he said the residents were getting anxious, the residents had offered to cooperate, and they would like to know what progress had been made, if any.

Ben Ortega spoke. Mr. Ortega said there was a one page memo in the packets, he had taken a multi-pronged approach regarding road ownership, and had been told the road belonged to the county. Mr. Ortega said his research showed no such transfer of title had taken place, he also researched the deeds of the property owners and many showed ownership of the road under their deeds, and since he had anticipated this was a county road, now the city would need landowners to dedicate not just 2 feet along their properties, but significant amounts; he said many of the owners knew this. Mr. Atencio said that was correct, they did know.

Mr. Ortega said he had been reaching out, he had received two engineering proposals and was expecting a third, and the estimates ranged from \$50,000 to \$250,000 and included four design scenarios. He said the design scenarios were:

(1) widen the existing road to 11 foot wide travel lanes, and the preliminary cost estimate was \$160,000, which included grading and gravel

(2) the same width and mix cement with gravel to create a harder surface for an estimate of \$220,000

(3) installing cement and gravel, covering the acequias and including street lights for an estimated \$589,000

(4) full asphalt, curb and gutter, and closing the acequias for an estimated \$970,000.

Mr. Ortega said the next step would be to meet with twenty-five property owners, determine an agreement to dedicate the full right-of-way at no cost to city, and check the estimates. He said he might receive cheaper estimates because he expected better numbers from field construction companies.

Mr. Ortega said following confirmations he would go out for a second neighborhood meeting to confirm are were in agreement of the option [selected] and confirm the intent and willingness to connect to city utilities, and then bring this back to the Council and find funding.

Councilor Kain-Salazar asked if twenty-five was the total number of owners, and if they were willing to give land; Mr. Ortega said there were twelve lacking.

Mr. Atencio said people had no problem dedicating land for the road, Santa FE [County] had operated for a long time and hadn't asked for deeds, and the residents were willing to give the land needed. He said the people were getting disgusted because there had been no action, the project had been talked about for fifteen years,

and had been a priority when the current administration took over. He said the street could not accommodate fire trucks or ambulances.

Councilor Herrera asked Mr. Ortega to clarify if the options he had given included the possibility of the city having to purchase easements.

Mr. Ortega said twelve had not said they were willing to dedicate property.

Councilor Herrera said he was willing to go back to the Public Works Committee, and he knew one resident was not willing to give up property.

Mayor Maestas said he had talked before about the need for a street standard so staff and the public knew what the standard was for any street. The Mayor said for financing purposes maybe this could be phased in.

Mr. Ortega said the minimum width was twenty-two feet curb to curb including gutter, and he didn't know if the city could afford this. Anthony Trujillo, Streets, said the city would need to apply for MAP funding and the street required twenty-two feet minimum.

Mayor Maestas said the city needed to adopt a street standard, which could be based on traffic volume. The Mayor said for example, pavement could be optional for streets with low traffic volumes. He said the city needed standards so no one would have to pick and choose options. He said he realized this would require a lot of money, and could cost a million to a million and a half dollars. He said he did want to state that when the utilities had been installed there, that street had become a priority and the city had been struggling with issue of property ownership. The Mayor said not everyone was willing, and he didn't remember when the city had exercised eminent domain. He said when a decision was made to acquire the road, then he would be willing to consider exercising eminent domain. He said he was open to additional ideas, but he wanted to consider adopting standards, then Pacheco Lane could go forward. The Mayor said it was a priority, and in terms of looking at raw cost and presenting the scope to the Governing Body this was the most progress ever made in this matter.

Mr. Atencio asked if he foresaw a meeting with residents in the next two months; Mr. Ortega said yes.

### **Councilor Comments**

Councilor Garcia said she wanted to remind everyone the next evening there would be a business coalition meeting at the Red Door concerning break-ins at 6:00pm.

The Mayor said he had asked staff to come up with a public safety plan, and said he would share it with the community and the meeting, and he planned to have Police Chief Gonzales and Deputy Chief Byford present the plan to the public then have a refined plan to present to the Council at the meeting the next week.

Councilor Kain-Salazar asked if this applied only to businesses; the Mayor said no.

The Mayor Pro Tem said she wanted to announce the Chamber [of Commerce] was having the annual awards banquet January 30<sup>th</sup> at Ohkay Owingeh and would be selling tickets to the dance.

### **Business with Visitors**

Item #1, Presentation and Progress Update by Dekker/Perich/Sabatini (DPS) for New Library Dan Kemme with DPS said he had brought boards and would try to put them in a place where everyone could see them (Mr. Kemme referred to the boards during the presentation).

Mr. Kemme said the firm had been hired for a two phase process for the library, and phase one was to put together support materials for the General Obligation (GO) Bond. He said they had started in December, had gone through a series of site plan evaluations, and had narrowed the evaluation to a single site. He said in January they had taken information from that to start programming for the building itself, and setting up size requirements so they could start to budget and looking at how the program and building would fit on the site. He said starting Thursday they would have public input meetings, and were trying to make sure as many people as could had provided input. He said they wanted to get a buy in from the public.

Mr. Kemme said they didn't want to make a lot of decisions and the community would have to live with those decisions so they were having public input meetings. He said then they would put together final designs, imagery what the library could look like, and renderings showing what it should be.

He said that would take them through February, the election would be the first of March, and if the Bond proposal was successful they would begin the second phase which would be more detailed designs with construction starting about November of this year and completing in August of 2011. He said that was the timeline.

He said more specifically, they had discussed spaces and goals, basically they had brainstormed with everyone to discuss what the goals were, and when they got further along they would worry about doorknobs, etc., and check back with big ideas.

Mr. Kemme said things they had discussed included providing windows and natural light, ample space for programs and parking, a comfortable atmosphere that was "home like" so people felt comfortable, supporting tutoring and other school activities, bringing in children and adults, ensuring a full range of people would be able to use the library, and a young adult area for teens. He said they wanted it to be green and energy efficient, and their firm was a leader in the state for green designs, energy efficient designs, efficient use of water; he said things like turning lights off during the day if need be could save money over the long term.

Mr. Kemme said they wanted to promote staff and user safety, promote Española, plan for future expansion, include up to date technology including wireless, and using technology as best they could. He said they wanted express multiple literacies including visual, historical and more than just books. He said they wanted to support alternative gathering and story areas, exterior as well as indoor spaces, a courtyard and deck, and they wanted to relate to the exterior views. He said they also wanted to provide places for scholarship and visiting scholars.

Mr. Kemme said they went through the goals, diagrammed spaces which included relative sizes including main book area, a children's area, a media space, a meeting in an area that could be used after hours, a circulation desk, workrooms for staff, a bookstore and friends room, and support spaces such as restrooms and mechanical spaces. He said then they had evaluated five sites that were being considered. He said the five sites included three on Fairview, the Bond St site above the Plaza, and the Corley site downtown; he said they had gone through an analysis to determine how the building would fit the sites including access and location near a main city center. He said one site had half of the proposed building on a flood plain. He said they also considered views, and after deciding two of the sites were the most promising, took those two sites to the [library] committee. He said the two sites were the Corley site and the Bond site. He said the discussions then took the building program pieces and put that information together in diagrams along with parking to see how they fit, what was good and bad, and the Bond site had dramatic views to the east and good access from two sides. He said they did the same with the Corley site; he said an advantage was it was closer to downtown and easier to see from downtown but the roads would need to be reconfigured, and a problem was traffic. He said the traffic around the site was so intense that even pedestrian access would be difficult.

Mr. Kemme said when they had looked at these and put together the pros and cons, it was decided that the Bond site was the better site, so they took the conceptual plan and

started to develop diagrams, added more detail, had initially shown access from Hill Street, and reconfigured the preliminary design so the parking would be on the west side behind the building. He said people would be able to park on the west side and enter to the east and south. He said the main portion would open up and look directly over the Plaza.

Mr. Kemme referred to the diagrams he brought to the meeting and pointed out the main corridor, a multi purpose room and restrooms, and said they were arranged so that there could be meetings at anytime even when the library was closed, and the area could be used after hours. He said the library itself had the circulation desk at the front so staff could monitor people as they went in and out, and monitor the main collection area; he said the children's area would be at the front so it could be monitored from the circulation desk, and they provided a young adult area outside with a desk with access from the circulation desk and glass all around so the young adults could be seen. He said there would be a courtyard on the south side where people could go out and read.

Mr. Kemme said this was the big picture and this would be presented to the community and he would bring any updated information back to the Council.

The Mayor asked if any representatives from the library wanted to add any comments;

Library Director Teddie Riehl said she wanted to clarify a rumor that the library was the reason why staff positions were being cut; she said the library would be paid for by the proposed General Obligation Bond if the proposal passed and not by cutting positions.

**Item #2 Request by Senator Richard Martinez for approval of use of Senior Center on February 25, 2010 for Democratic County Convention**

Len Cata, Community Services Director, presented:

Mr. Cata said he had a request from Senator Richard Martinez use Senior Center, and the letter said the 24<sup>th</sup> but he had been told the 25th on the phone so he was attempting to clarify. He said the request was to use the Senior Center for the county convention and precinct meetings, and for the last four years these meetings had been held at the Senior Center.

Mayor Maestas said it was to be February 25th from 5:00pm to 9:00pm; the Mayor asked what the policy was if a non-city group wanted to use the Center.

Mr. Cata said the policy was that the Senior Center not for use for anything other than city functions; he said the request was for the city to donate space. He said they did not want to pay a fee.

The Mayor asked if they would need the kitchen; Mr. Cata said no.

Councilor Kain-Salazar said they used the Center every year and she felt the Council should approve the request.

***Councilor Kain-Salazar made a motion to approve the request, seconded by Councilor Maestas.***

Councilor Herrera said if this was approved, the Council would need to allow other parties to use the space if requested.

The Mayor said anyone else requesting use of the Center said would need to come before the Council unless there was a policy, or the Council could recommend this be decided on a case by case basis.

Councilor Kain-Salazar said Senator Martinez had used it before, and no other parties had so it should be case by case. Mr. Cata said he recommended the same, and anyone else could be told to put it in writing.

Councilor Maestas said the city had a policy not to rent the Center anymore, but the Senator had used it for the previous four years, and he had been instrumental raising funds for the city.

***The motion carried 7/0.***

**Item #3 Mid-Year Budget Review**

City Manager Veronica Albin presented:

The City Manager said at the previous Thursday's Finance Board meeting, a proposal had been presented and she had updated information based on direction from the Governing Body; she said the recap in the packets included a summary regarding cost savings.

The City Manager said she had gotten new information regarding an anticipated shortage of revenues from Municipal Judge Salazar so the city was looking at a \$439,000 deficit. She said the Governing Body had proposed partial budget savings including furloughs, the use of investment funds, buyouts, and salary reductions for specific employees; she said the members of the Governing Body had the information before them for each of the items proposed.

The City Manager said the salary reductions were shown on the last page of the information provided, and included were possible savings if there were salary cuts for six Department Directors and eleven other employees including Division Directors and members of the Governing Body; she said shown were proposed cuts of 10%, 7%, 5%, 2%, and 1%. She said this had been shown to the senior staff that morning and items 2, 3, and 4 were per diem and employee professional development and those were zeroed out and that would save \$17,000; she said vacancy savings were \$59,000 and the Public Works Department found \$15,000 to close the gap.

The City Manager said the salary cuts were provided for the members of the Governing Body to discuss.

The Mayor asked the City Manager to go through the packet; the City Manager said starting on page 6 of the packet, she had gone through the line items in the General Fund and identified items not expended or for which the Directors had said they could wait, and the proposed savings were \$72,000 with the detail on the next page.

The Mayor said the library referenced receiving some grant monies; he asked if this was above and beyond what was needed. The City Manager said it was and the money was not removed from the budget because the city had to have the funds in place as a requirement of the grant; she said it would not be used but it did need to be shown in the budget.

Councilor Garcia asked, regarding the library, if the city would not be spending and had to show it, why it was put as a decrease. The City Manager said for purposes of explaining the budget and to show the amount. Councilor Garcia said if the city couldn't spend it or remove it, it would have to be left as a line item. The City Manager said it would be a savings at the end of the year.

The Mayor asked why the summer lunch program was shown; the City Manager said funding was based on participation, the city had sent some money back as there was not enough participation. Councilor Garcia said there was no participation; the previous year the college (Northern New Mexico College) had their own, and she didn't know if they would be picking it up this year.

The City Manager said the budget showed for wastewater contractual services, and gas and diesel were \$10,000 and \$5,000 respectively, and were presented through the Wastewater Director and Public Works Director. She said \$300,000 was to pay for enterprise related debt services and would be added to the debt service payment; she said this would have an effect on the general fund.

The Mayor asked the City Manager to discuss vacancy savings; the City Manager said she had gone through the salary schedule as it had been projected in the 2010 budget, and had identified savings based on actual salaries. She said the net savings would be realized in the fiscal year.

The City Manager said, for example, the Deputy Clerk was budgeted at \$45,000 and the actual salary was \$39,998, for a savings of \$5,000; the Clerk Receptionist during this period of time increased \$3,200; the Human Resources Clerk position was eliminated saving \$8,233; the Finance Manager salary not being expended was \$40,658; a Finance Specialist 2 position took into account a lower salary for a temporary position for \$16,879; she anticipated a Payroll Clerk expenditure of \$2,685 as an offset; a Finance Specialist 1 position had a savings of \$8,900; a position at the library for an employee who resigned would be left vacant for a savings of \$9,629; the Planning Department would leave one position unfilled until April; a Benefits/Grants Assistant had not been budgeted for an offset of \$32,400; there was a savings of \$12,436 for a Water Services Worker position that was vacant; and paying out leave for a former Water Director had an offset of \$2,083. The City Manager said the information had taken into account all of the positions and some that were vacant which could not be left vacant, showing the net effect.

The City Manager said regarding proposed furloughs, the schedule on page 10 showed what each department's salaries were for the budget year; she said she had been advised to look at a 32 hour week, and this would represent a \$158,274 savings through the end of the fiscal year. She said Judge Salazar had asked to address the Governing Body regarding this.

Judge Salazar said he had not been able to attend a meeting at the Police Department that had been that morning; he said he was unaware Municipal Court employees might be included in the furloughs, and he was present to respectfully disagree with that option. He said based on the Española Municipal Court functioning as an extension of the Police Department, his understanding was that Officers would not be furloughed; he said the Police Department's workload was directly related to the Court, so if the Court was furloughed a day, potentially individuals could be incarcerated another day or possibly two days due to the furlough.

The Judge said with the flow of traffic the Court had, if there were furloughs, the Court would have too many constituents visiting the court. He said the Court was too small. The Judge said the Court generated revenue, one thing he had initiated was a bench warrant amnesty program, potentially this would save costs to book, house and feed individuals.

The Judge said with furloughs the Court would not be able to do video arraignments. He said he wanted the Governing Body to consider that the previous two years the Court had helped the Detention Center by using video arraignments, and house arrests. He said alternative sentencing had brought the care of prisoners line item down. Judge Salazar said part of the Court's budget was reimbursed.

The City Manager said in light of the Judge's request, there would need to be another \$11,000 added. She said at the staff meeting that morning she did make sure staffing levels would be at the levels needed to still do business. She said as requested, she had looked at closing down every other Friday, but the potential savings were not enough to justify the interruption of services.

The City Manager said staff would alternate days and work in out the time in their own departments. Councilor Kain-Salazar asked if instead of picking whole days, staff would take hours off. The City Manager said the time off would be staggered. Councilor Kain-Salazar said she wanted to be sure all departments were covered.

The City Manager said regarding investments, the amount changed; she said it had been \$104,750 but she identified savings for the vehicles line item which reduced the amount being considered to approximately \$85,000. She said as explained at the

meeting the previous week, she had identified non-recurring expenditures; she said the amount that would be needed from the investments was \$84,750.

The City Manager said regarding buyouts, the Governing Body members had discussed the willingness of the employees as being a factor. She said the employees' supervisors said the four employees positions had been identified as viable to be considered for buyout, and the benefits coordinator was helping the employees prepare the paperwork to be sent to PERA (Public Employees Retirement Association), and she would have the amounts for the next week's meeting. She said overall potential savings were \$65,000 per year, which would include eliminating one position by attrition and rehiring three at entry level. The City Manager said she would verify that the numbers were true and accurate with respect to PERA service credits. Councilor Herrera asked if everyone was 100% sure this could be done; the City Manager said yes.

Mayor Maestas asked if any components need to be debated, and what the Councilors thoughts were about the Judge's request. Councilor Herrera said the Judge's salary was not included; the City Manager said the Judge's salary was set by statute.

Councilor Herrera said he had noticed the Councilors' and the Mayor's salaries were a part of this. He said he was a little concerned with the point and comments the Judge had made. He said while they were trying to level the playing field, the Judge had brought up a valid point. Councilor Herrera said Judge Salazar had worked hard on the care of prisoners and the trend of the past years could have put the expense at \$750,000, but it was closer to \$250,000. Councilor Herrera said that work yielded quite a bit of savings to this year's budget, and he would hate to take \$11,000 away from the Court's budget and impede ability of the Judge to help the city save money, and he was not sure what it would mean in terms of reconciling the budget.

Councilor Herrera asked regarding a reduction in work hours to 36 per week, if it applied across the board. He said for this year there was a reduction in salaries being considered, but wouldn't that equate to another cut for those employees with the salary cuts and furloughs combined. The City Manager said yes.

Councilor Herrera said if the Governing Body wanted to look at cuts for the higher salary brackets such as 2% or 3%, and restore the \$11,000 for the Court, there would be almost enough to offset that. He said still, 3% was better than 20%, but he would like to hear a discussion regarding 2-3% for high end salaried employees.

The City Manager said if they wanted to do a lesser furlough for the Court they could consider that as result of the staff meeting that morning the Public Works Director had identified \$15,000 in the Wastewater budget that could be used to cover the gap, and had also identified \$40,000 from the Water budget for a vehicle purchase which could be delayed for the next fiscal year; she said this was an option if the Governing Body wanted to hold the Court harmless.

The Mayor asked Paula Maynes, City Attorney, to clarify the separation of powers and authority the Governing Body had regarding the Court; Ms. Maynes said the concern was basically that there were three branches government, and the concern was that no one branch through its powers could strip another branch of its powers. She said the issue was if the legislative branch, the Governing Body, took some kind of action reducing the Court budget and if the impact to the Judicial Branch was such that it couldn't continue to operate. She said if the Governing Body took action that impinged on the judicial function that would be a violation. She said however this was not "black and white", and asking the Court to realize savings by changing staffing during certain hours was not necessarily a separation of powers violation. She said that was part of why the state left the judicial exempt.

Mayor Maestas said Judge Salazar had said this could impact the Court, and a previous judge had proven in court that the city could not eliminate one position. He said for \$11,000, he didn't want to go through that again and he concurred with Councilor Herrera to hold the Court harmless. The Mayor said \$11,000 was not

substantial, the prior example was a higher amount, and he thought they could come up with another solution.

The Mayor asked if the Council wanted to keep everything on table with the exception of the Court; Councilor Garcia said she wanted to hold the Court harmless and do a 3% cut instead of 5% to come up with the \$11,000. She said she was worried about a 36 hour workweek and would rather work with a 32 hour workweek. She said she wanted to correct herself and clarify she wanted to work with the lesser one.

Councilor Herrera said he agreed with a 3% reduction for higher paid individuals and the members of the Governing Body. The City Manager said a 2% reduction would cover the actual deficit. The Mayor asked her to summarize.

The City Manager said the total revenue deficit was \$328,380, it needed to be adjusted by \$53,000, \$72,000 had been identified in potential savings which were \$15,000 from Wastewater, \$17,500 from per diems, \$59,284 from vacancies, \$147,554 from a city furlough to 36 hours through the end of the fiscal year, and \$11,288 from FICA. She said savings from investments would be \$84,750, and voluntary buyouts of three employees would result in savings of \$24,884. The City Manager said potential savings from salary cuts of 2% for all appointed officials, department directors, and members of the Governing Body would be \$7,763.

Councilor Lujan said there was a \$12,190 balance. Mayor Pro Tem Lucero said she would like to propose a one day furlough per pay period per week, and would like to consider 38 hours instead of 36 and get the difference from investments for one half day per pay period. She said she was uncomfortable because of the impact this would have on people and their families. Councilor Lujan said she would like to clarify she meant 38 hours per week, a half day per pay period.

The Mayor said this would reduce the savings by half. The City Manager said that would be \$78,000 from investments. The Mayor said the city attorney budget as of December 31<sup>st</sup> was at 43.9%, professional services 38%, claims and settlements 38%. He said they had talked about a need to keep the current amount for settlements. Ms. Maynes said yes. The City Manager said the city had deductibles, several tort claim notices, and as far as full time at the rate they were, the city did have a contract attorney that was from the professional services line item.

The City Manager said she would like to have clarification regarding how to handle the investment, whether to attribute specific expenses or transfer the money; the Mayor Pro Tem said to transfer money. The City Manager said the amount was approximately \$78,000 and she would have the final number on Tuesday.

CH said although they were looking at the mid-year budget, nothing to precluded them from look at the budget monthly; he said he wanted to propose they take another look at the budget in March and make a final assessment as to whether or not the city had the ability to recognize additional revenue or savings, and give the administration the benefit of history. He said they could look at the budget in March and have it brought back before the Governing Body to find out if by some chance they could consider eliminating furloughs for the rest of the year.

Councilor Herrera said he wanted to personally take the opportunity to thank the City Manager for the leadership she had exhibited in trying to keep the budget balanced; he said he knew it was difficult.

Councilor Herrera said his concern was not only this situation but constructive savings measures over a couple of years; he said had that not happened by the current administration, they would be addressing a much higher amount. The Mayor said the city saw a budget adjustment which was \$36,000 not almost \$53,000, it was a sign of things to come, the situation was not going to go away, and sooner or later the Governing Body would need to look at realizing long-term savings.

The Mayor said to recap, they had discussed to exclude the Court from the furloughs, changed the furloughs from 36 to 38 hours per week, and discussed a 2% reduction in salaries for higher salary earners including the members of the Governing Body.

Fire Chief John Kitchen said the City Manager had been working with several of the seventeen employees who would suffer the 2% reduction and they wanted assurances this would not carry over past the end of the fiscal year. He said they were looking for some type of assurance. The Mayor said it remained to be seen with respect to the next year's fiscal budget, and he would say it wouldn't be determined until they did the next year's budget.

Councilor Herrera said this was why he said the budget needed to be reevaluated in March; he said they were trying to balance this year's budget, and they should look at it again and take into account any cash balance from this year. He said he wished he could give that assurance but couldn't because there were too many unknowns.

Mayor Pro Tem Lucero said Councilor Herrera was right in that they couldn't give expectation at this point but sometimes they didn't realize how gross receipts affected the city, this was hitting them right now, and she wanted to remind people it was important to shop local, gross receipts had reduced, if people went to Santa Fe, Taos, or Los Alamos, it impacted the city. She said she wanted people to consider shopping local as it made all the difference.

Ben Ortega, Public Works Director, said Public Works had spent a lot of time on this the last couple of days, the seventeen employees were significant contributors to the city, they would bear the burden while other departments were not willing to share the burden, and Public Works would rather forgo a vehicle for the Water Department rather than the seventeen employees having smaller paychecks. He said he didn't think the city would need to do the 2% cut if the Judge could find \$7,000 out of his budget.

Len Cata, Community Services Director, said he didn't know what the possibilities of making an exception was regarding gross receipts taxes Community Services received as the money was specifically targeted to improvements to services in the community. He said the jobs the Department's employees did have an impact on the services the Department provided.

Anthony "Hawk" Trujillo, Streets, said there might be another consideration which would be to take Streets employees off standby in order to eliminate standby pay. The Mayor Pro Tem asked what if it snowed; Mr. Trujillo said all employees had made sacrifices, he had worked every weekend, and if cuts were made he felt it should be across the board without Departments being exempt.

Mayor Maestas asked what impact there would be to take Streets personnel off standby; the City Manager said anytime they look at operations it impacted services. She said it was up to the Governing Body to decide if they wanted streets cleared, debris picked up from roads; she said employees would go out anyway, and that they would go out but not get paid for doing so. She said she thought there were other viable options and General Services had given up a lot in their Department and it hadn't impacted services.

Barry Vigil, Wastewater Department, said he felt the Governing Body should take money from every employee and put money in [from investments] so employees would only have to take off four hour furloughs, for example, and he felt the Governing Body should consider making changes regarding insurance.

Mayor Maestas said there had been a proposal regarding insurance, and while he didn't object to considering changes to insurance at some point, solutions were needed now to balance the budget; he said he thought the issue would come back to the table, it was being looked at, there would need to be a consultation with the union, and making changes to employees' insurance potentially did represent recurring savings. Mr. Vigil said that would be fair to everybody.

Mr. Trujillo asked if the work week were reduced to 38 hours if anything over 38 would be overtime; he said the current policy was when employees completed forty hours, anything over forty hours was overtime. Paula Maynes, City Attorney, said she didn't think people were required to be paid overtime until they had worked more than forty hours; she said her legal opinion was that it would not be overtime unless more than forty hours were worked. She said her concern was that she didn't want people working without getting paid.

Mr. Trujillo said his staff had no problem working forty hours and the Governing Body was making them reduce their hours for budget purposes.

Joaquin Maestas, IT Department and union President, said he represented the union, it was a majority of workers, a couple of things had been discussed, and he had a couple of questions. He said as it pertained to the idea of 36 hours versus a 72 hour pay period, if it continued to be 36 hours, the savings was significant. He said he thought that as we moved forward, the union got a lot of things, people were saying "let's try this", and he wanted to understand where they were going to go with this. He said when talking about layoffs and reductions in force, the union and city were pulling together, finding ways together, and the budget crisis the city was facing, all were facing it.

Mr. Maestas said the city had "beautiful digs" with the associated operational costs, and when the Governing Body talked about the budget in the future, those things should be looked at as well. He said each employee had seen the workforce fall and workload grow, and while he applauded them for standing by employees now, each person represented a family, each person would have to bear the burden, and the union would fight very hard against changing insurance because it would shift the burden from single employees to employees with families; he said he thought for employees it was a bad idea. He said he wanted to thank the Governing Body for allowing employees to get together at this level.

Councilor Salazar said he had a question regarding salary reduction; he said he wanted to know who the seventeen employees were. The City Manager said all were department or division directors. Councilor Salazar said he felt uncomfortable seeing some of the employees made \$33,000 and others made more, and he felt some of the seventeen should be considered but others not be. He said maybe they should look at certain salary levels instead.

The Mayor said they had talked about picking a threshold, and he agreed with Councilor Salazar's concerns; he said a possibility would be to consider employees making over \$50,000 incurring the reduction. The City Manager said four of the seventeen made less than \$50,000; she said three employees were not supervisors and therefore didn't meet the criteria for management but did earn over \$50,000. The Mayor said they had excluded non-supervisors who made more than \$50,000.

The Mayor Pro Tem said Mr. Ortega had suggested giving up a vehicle in lieu of cuts; the Mayor said they needed to be mindful of the math. The Mayor Pro Tem said it was additional to the budget cut savings so they could eliminate the last page of cuts.

The Mayor said there needed to be a motion on table.

Councilor Herrera said his question was if they needed to act on this today or could wait until the meeting the next week; he said he was nervous with the numbers flying around. He asked what if they allowed the City Manager to go back and regroup, giving her a chance to rework numbers based on the discussions they had just had, and bring the final numbers to the meeting the next week.

City Attorney Paula Maynes asked when the cuts would become effective; the City Manager said Saturday the 23<sup>rd</sup>, the following week.

Ms. Maynes said if there was no action it would have the same effect. Councilor Salazar said the previous week it had been said that it would be the next week anyway.

Mr. Maestas asked if management was salaried, how they would be furloughed; he asked if it was a pay cut or salary. Ms. Maynes said it would be a furlough, the city had the power to do it, and she believed it would meet the exemption test.

The Mayor said the proposals could be formalized and action taken at the next meeting; he thanked the union members for coming to the meeting and said he appreciated the employees' cooperation.

### **Announcements**

There were no announcements.

### **Adjournment**

*Councilor Kain-Salazar made a motion to adjourn, seconded by Councilor Maestas. The motion carried 7/0.*

The meeting adjourned at 8:05pm.

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

**APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF February, 2010**

*ELECTRONIC COPY  
SIGNATURES ON FILE*