

**City Council Meeting**  
**Tuesday, June 26, 2007**  
**City Hall Council Chambers**  
**405 N. Paseo de Oñate, Española, NM**

Call to order at 6:03 p.m. with the following present:

Mayor	Joseph M. Maestas (absent)
Mayor Pro Tem	Alice Lucero
Councilors	Danielle Duran
	Alfred Herrera
	Rosario "Chayo" Garcia
	Cecilia Lujan
	Helen Kain-Salazar
	Eddie Maestas
	Dennis Tim Salazar

City Manager	Gustavo Cordova
City Clerk	Veronica Martinez
Deputy Clerk	Lucas Gauthier

Staff Susan Trujillo, Julian Gonzales, Cyrus Samii, Josie Lujan, Stephanie Martinez, John Kitchen, Maria Tarazon, Christine Gerhmann, Leroy Garcia, Joaquin Maestas, Greg Lonewolf, and Ivan Guillen

Mayor Pro Tem Lucero led the Pledge and Councilor Lujan led the invocation.

**APPROVAL OF THE AGENDA:**

**PROCLAMATIONS AND AWARDS OF MERIT**

1. Employee of the Month

**MATTERS FROM THE MAYOR**

2. Appointment of Planning & Zoning Commissioners

**BUSINESS WITH VISITORS**

3. Certified Communities Initiative Presentation
4. Introduction of Fiesta Court

**PUBLIC HEARINGS**

5. Ordinance 2007-03: An Ordinance Regarding the Reauthorization of a 1/8% Gross Receipts Tax Imposed by Ordinance 488 (1992)

**PUBLIC COMMENTS**

**COUNCILOR COMMENTS**

**CONSENT CALENDAR**

6. Minutes of May 14, 2007 City Council Meeting
7. Minutes of May 21, 2007 Special Meeting – Day Session
8. Minutes of May 21, 2007 Special Meeting – Evening Session
9. Minutes of May 29, 2007 Special Meeting
10. USDA Grant Request, Police Vehicles and Computer Equipment
11. Term Expansion for DWI Position
12. Memorandum of Understanding with the Regional Transit District for the Transfer of Transit Services
13. Memorandum of Agreement with the Regional Transit District for the Transfer of Transit Services
14. Budget Adjustment Request for Debt Service Payment Account for the Clean Water State Revolving Fund in the amount of \$7M (DFA Resolution No. 7)
15. Budget Adjustment Request for Debt Service Payment Account for the Partial Refunding of 1999 Bonds (DFA Resolution No. 8)
16. Budget Adjustment Request for Debt Service Payment Account for an NMFA Loan in the amount of \$300,000 (DFA Resolution No. 9)
17. Budget Adjustment Request Establishing a Fund and Budget for a Bureau of Reclamation Grant in the amount of \$200,000 (DFA Resolution No. 10)
18. Budget Adjustment Request Establishing a Fund and Budget for a New Mexico Traffic Safety Project Grant in the amount of \$10,000 (DFA Resolution No. 11)

**REGULAR CALENDAR**

19. Lodger's Tax Board Recommendations for Use of Funds
20. Firefighter Union Contract

21. Public Safety Department Reorganization
22. Authorizing the Submittal of an Application for Funding from the State Board of Finance for Improvements to our Jail Holding Facility

**MATTERS FROM THE CITY ATTORNEY**

23. Statement of Closed Meeting of June 6, 2007

**RESOLUTIONS**

24. Resolution 2007-38 Adopting a Hazard Mitigation Plan
25. Resolution 2007-39 Regarding Local Government Cooperation In Maintaining Adequate Behavioral Health Services Funding In Rio Arriba County
26. Approval of City of Española Personnel Policy

**ANNOUNCEMENTS**

**ADJOURNMENT**

Mayor Pro Tem Lucero presented the agenda to Council.

**Councilor Lujan moved to approve, seconded by Councilor Maestas.**

**Mayor Pro Tem Lucero proposed to add the PRC and Rio Arriba County Manager matters under Business with visitors. Councilor Garcia asked to move item 19 before item 5 as a friendly amendment.**

**Motion passed 8/0.**

**PROCLAMATIONS & AWARDS OF MERIT:**

Mayor Pro Tem Lucero presented for Employee of the month for the City and asked for Marvin Martinez and Christine Gehrman to come forward. Marvin stated his reasons for nominating Ms. Gehrman was her support and willingness to go above and beyond what is required of her position. Mr. Martinez stated that Ms. Gehrman was hired in 2004 and since has proven to be an asset to the Water Department. Mayor Pro Tem Lucero read the certificate and presented it to Ms. Gehrman.

**BUSINESS WITH VISITORS:**

Ben Ray Lujan Chairman of the Public Regulation Commission (PRC) was introduced. Mr. Lujan stated that he was present at the meeting to address some concerns that came in form of a Resolution from the City at the previous Council Workshop. Mr. Lujan stated that they had been involved in the Windstream issue regarding the potential interruption in service in areas north of the Pojoaque Pueblo, and ensured that the connectivity would not be impacted. Mr. Lujan stated that last week a public meeting was conducted and the citizens brought up their concerns, including possible towers being built, types of services, etc. Mr. Lujan stated that he had been assured that the interconnection and the services to the north would not be impacted.

Theresa Aguilar was introduced, the tribal liaison for the PRC. Mrs. Aguilar stated that Resolutions and dialogue were being discussed to ensure that the citizens are afforded the best service possible.

Mr. Lujan He introduced the members representing Pojoaque Pueblo, Regulatory Affairs, County Representatives and Senator Roman Maes.

Mayor Pro Tem Lucero asked if the council had any questions. Mayor Pro Tem Lucero stated that she had dialog with Mr. Bill Garcia of Windstream Communications and asked him to summarize their discussion. Mr. Garcia stated that as a representative of Windstream he assured that there would be no interruption in service to Northern New Mexico, adding that he had been working closely with Qwest, Pueblo of Pojoaque and Mr. Lujan to ensure there was resolution without impairment of service to Northern New Mexico.

Councilor Herrera thanked Chairman Lujan and Mr. Garcia and everyone who was there to discuss the issue. Councilor Herrera added that the issue of service was of great importance to the City of Española as well as NNCM. Councilor Herrera thanked the PRC for taking such an assertive role in making sure things were moving forward and keeping small communities in mind. Councilor Herrera stated that his primary concern of service being

affected had been answered and thanked the public for its input. Councilor Herrera stated that the Tribes were an integral part of NM and in the valley especially and thanked them for their input as well.

Chairman Lujan stated that he had talked with Mr. Garcia and Qwest to conduct community meetings to offer as a tool to the City and the PRC to talk about services requested or the merger. Mr. Lujan encouraged the City to do all they could to work with renewable energy and work with Jemez. Mr. Lujan acknowledged the Fire Fighters that were present, adding that the NMAC had worked hard in the Legislature to lobby for the Fire Fighters in the state. Mr. Lujan stated that they work hard every day and save lives and they deserve the help.

Mayor Pro Tem Lucero thanked Mr. Lujan and the other representatives who came to represent their entities and assuring there would be no interruption of services in Northern New Mexico.

Jo Anne Salazar, School Board President also acknowledged and thanked the representatives from the PRC, pueblo and Qwest for their efforts in resolving the issues.

#### **MATTERS OF THE MAYOR:**

##### **Appointment of Planning & Zoning Commissioners;**

Mayor Pro Tem Lucero stated that it was the intent of the Mayor and Council to reappoint Lupe Garcia, Laurie Koontz, Earl Wright, and Amrit Khalsa, and newly appoint Ms. Rachel Fresquez to replace Mr. John Lucero, who had resigned.

##### **Councilor Maestas moved to ratify the appointment and reappointments, seconded by Councilor Herrera.**

Under discussion, Councilor Duran asked for clarification of the overlapping appointments of the one chair currently occupied by John Lucero who would not abdicate his seat until August.

Veronica Martinez explained that Mrs. Fresquez would fill the seat after Mr. Lucero's resignation was effective and that her appointment had to be immediate otherwise the seat would be vacant for one month.

##### **Motion passed 8/0.**

#### **BUSINESS WITH VISITORS (CONT.):**

##### **Certified Communities Initiative**

Mr. Fred Mondragon Chair of the New Mexico Environment Department congratulated the City of Española, the Governing Body, and all who worked on the Certified Communities Initiative Program. Mr. Mondragon stated that the City would be ready for receiving Economic Development companies coming in. Mr. Mondragon stated that Rural Economic Development is the number one priority, and good input that the Legislature supports as well. Mr. Mondragon stated that all Economic Development should not go just to Albuquerque. Mr. Mondragon stated that the City met all requirements and should be very proud.

Mr. Mondragon presented a plaque to Mayor Pro Tem Lucero on behalf of the City of Española.

Mayor Pro Tem Lucero thanked Mr. Mondragon for acknowledging the City's efforts.

##### **Introduction of the Fiesta Court**

Shaya Lopez introduced Archie Cordova, last year's Oñate, to introduce Victor Caldarón the 2007 Oñate, La Reina Nicole Romero, Princessa Vanessa Johnson, Princessa Maria Tarazon, Page Victoria Martinez, Page Alexandra Caldarón.

Mayor Pro Tem Lucero thanked the Fiesta Council for their efforts, adding that it had not been easy and required great commitment.

### **REGULAR CALENDAR:**

#### **Lodger's Tax Board Recommendation for Use of Funds**

Emery Maez Chairman of the Board was present for this item. Mr. Maez provided an informational handout for the council. Mr. Maez explained that there was \$40,000 that the Board wanted to use to advertise the City last year and they were unable to get that done, but still had the same intent.

Mr. Maez addressed Ordinance 558 the Lodger's Tax Ordinance that outlines the purpose of the tax. Mr. Maez explained that the Board was tasked with (Section 16), and the eligible uses for proceeds (Section 17).

Mr. Maez listed the items that the Board had authorized for expenditure:

1. Audit. Mr. Maez stated that the Board had authorized \$2500 for audit purposes as required. Mr. Maez provided revenue history and a proposed budget for FY08. Mr. Maez explained that it showed that revenues had been dropping and that Council suggested it needed to be audited.
2. Sites and grounds for tourist attractions. Mr. Maez stated that \$20,000 had been budgeted for operating and maintenance of the Convento, and the board agreed to continue.
3. Debt Service. Mr. Maez stated that \$13,300 had been budgeted to debt service.
4. Advertising, Publicizing and Promoting. Mr. Maez stated that the Board authorized 40,000 copies of the Española Visitors Guide to be printed at the cost of \$12,000. Mr. Maez stated that it was the determination of the Board that the remaining \$40,000 left would be used additionally for advertising and promoting the Valley. Mr. Maez explained that the Board wanted to use the funds for a continual advertisement not here in the City but in Southern Colorado, West Texas, and Eastern Arizona.

Mr. Maez stated that the \$40,000 would be split, asking who would be better than the Chamber of Commerce to advertise for the Valley. Mr. Maez stated that the Chamber already does advertising for the Valley and that it should continue to do so. Mr. Maez stated that it was the recommendation of the Board to take \$20,000 and go under contract with the Chamber and itemize what they would promote in the Valley and with the remaining \$20,000, they would continue to take applications and award those monies based on those applications.

Councilor Garcia asked why they increased the budget for FY08 when the trend had been decreasing. Mr. Maez stated that they thought with the audit they would find revenues that were owed. Councilor Garcia thought it was an optimistic number. Mr. Maez stated that there had not been an audit since FY2003-2004 and an audit would be needed.

Councilor Duran stated that she knows that the Chamber applies for Grants in order to leverage the money given from the city and asked if there were any plans to apply for those. Mr. Maez stated that they had been applied for. Councilor Duran asked if they expected to get more. Mr. Maez replied that in the future the \$40,000 or \$50,000 when other entities join with the Board and pool those funds together for the same purpose it would grow to more like \$100,000.

Councilor Herrera asked about the revenues shown on the budget and whether they were included in the City's budget. Mr. Cordova stated that the \$95,000 would be shown as revenue.

Mayor Pro Tem Lucero declared a conflict of interest and would not be voting. Mayor Pro Tem Lucero asked if the Chamber's \$12,000 should be included in the June 30, 2007 expenditures. Mr. Emery stated he relied on Susan Trujillo's numbers. Ms. Trujillo stated that a Budget Adjustment Request could be done if approved by the Lodger's Tax Board. Mr. Cordova stated that the expenditures were created in the current year and those funds would have to be expended into the current year otherwise it would be a prior-year expenditure in the '08 budget.

Councilor Herrera also asked about the audit amount of \$2500 and if there was a plan for that audit to be done. Mr. Cordova believed that \$2500 was not enough but would have to go out to bid for it one of two ways, either thorough audit of all establishments or a random audit and would decide how it would be done and bring it back to the council when they know. Councilor Herrera asked if it could be part of the annual audit. Mr. Cordova stated that the Lodger's Tax would be a specialty audit that only some firms would do and suggested that it be contracted out to someone who had done Lodger's Tax audits before.

**Councilor Garcia made a motion to approve the FY 07-08 budget as recommended by the Lodger's Tax Board, seconded by Councilor Maestas.**

**Motion passed 7/0. Mayor Pro Tem Lucero abstained.**

**PUBLIC HEARINGS:**

**Public Hearing of Ordinance 2007-03:**

Mayor Pro Tem Lucero stated that when the GRT was adopted in 1992 the revenue funds were dedicated to the production, maintenance and construction of water utility infrastructure.

Public Hearing opened at 6:56 p.m.

Mayor Pro Tem Lucero stated she would ask for comment three consecutive times. Cal stated that after the Public comment period the hearing would be turned over to Council for discussion.

Mayor Pro Tem Lucero asked if anyone in the audience wished to speak for or against the reauthorization of a 1/8% GRT imposed by Ordinance 488.

Clarissa Duran asked what the specific tax was and what the change was. Mayor Pro Tem Lucero explained that when adopted the ordinance was for water only, but the reauthorization would allow the funds to be used for general municipal purposes, which was streets, library, recreation, and water as well. Ms. Duran spoke in favor of the reauthorization. There was no further comment.

Public Hearing closed at 7:00 p.m.

**Councilor Lujan moved to authorize Ordinance 2000-03 Amending Ordinance 488, seconded by Councilor Kain-Salazar.**

Councilor Herrera asked for the record, how much money was collected under this tax. Ms. Trujillo stated that it was approximately \$390,000 per year. Mayor Pro Tem Lucero reminded Council that the tax was included in the proposed budget. Councilor Herrera stated that considering that it was part of the preliminary budget and this reauthorized the money, it needed to be in the motion to address the cash balance so it would be effective prospectively. Mayor Pro Tem Lucero stated that she had brought the same issue up before, but Ms. Pacheco or Mr. Cordova had informed them that the City could use the funds that had been collected under the current ordinance. Ms. Pacheco concurred. Councilor Herrera stated that he had understood it that way, but that there was no reference in the Ordinance itself and asked if it should be included in the motion. Ms. Pacheco stated that it was not

necessary, but could be done if the Council desired. Councilor Herrera stated that he would like that to be amended.

**A friendly amendment to the motion was made by Councilor Herrera to include language to allow the city to use the existing cash balance for the newly amended purpose, seconded by Councilor Duran.**

**Mr. Cordova suggested the language: under section 4, after revenue “and existing balances” be added. Councilor Lujan the maker of motion approved the suggested language. Amendment vote: 8/0.**

**Ordinance vote:**

**Roll call: Councilor Kain-Salazar, for the motion, Councilor Garcia for the motion, Councilor Maestas for the motion, Mayor Pro Tem Lucero for the motion, Councilor Herrera for the motion, Councilor Durán for the motion, Councilor Lujan for the motion, Councilor Salazar for the motion. Motion passed 8/0.**

**PUBLIC COMMENTS:**

Mr. Joaquin Maestas addressed the council, stating that it was a pleasure to see the spirit of cooperation. Mr. Maestas stated that as President of AFSCME Local 1188 he stood in solidarity with his brothers from the Fire Fighters union. Mr. Maestas stated that the Local 1188 continued to find reticence in getting the negotiations and the spirit of negotiations going. Mr. Maestas stated that it was a pleasure serving on the Personnel Rules & Regulations and the teamwork has shined through. Mr. Maestas stated that it had been nearly three weeks since a letter was issued to City requesting to go back to the bargaining table as the deadline was approaching. Mr. Maestas stated that a July 9, 2007 meeting was suggested. Mr. Maestas stated that he had contacted some councilors and that it was not the intention of the majority of the council to freeze wages, but Angela Pacheco City Attorney agreed they did. Mr. Maestas stated that it was in his opinion that the employees do not really know what is in the budget, adding that it was feeling that there was money in the budget for employees, and for the library. Mr. Maestas asked the Council to move up the date for negotiations to reconvene, adding that it was his impression that he budget was rushed through. Mr. Maestas asked Council for reconsideration of the Resolution that froze wages.

Clarissa Duran stated that she spoke as President of the Library Board. Ms. Duran stated that she had submitted a letter to the Council regarding their alarm at the budget cuts of the library. Ms. Duran read her letter into the record, signed by her but with the approval of the entire board.

“Esteemed Mayor and Councilors of the City of Española, It has come to the attention of the Española Public Library Board that there have been drastic cuts to the library budget made in the preliminary budget proposal, submitted to you by the City Manager. We are very surprised at these cuts, as they would severely disable the library from serving the peoples of our communities. The cuts we find unacceptable are 1) \$20,000 for new books – leaving the library with no new books from July 2007 through June 2008 (and which would be matched by the State of New Mexico, bringing the total to \$40,000); (2) \$6,000 for periodicals – leaving the library with no new magazines, newspapers, etc. from July 2007 through June 2008; (3) \$15,700 from the maintenance budget, which includes maintenance of the computer system (which if it were to go down, would mean ending access to the electronic card catalog – forcing us to go back to using the old physical card catalog system). We wonder what message these cuts are meant to send to our new librarian, our board, and to our communities. Is reading to become obsolete in the communities in and around Española? Are community members to go without free access to computers and the Internet? We know that you stand for empowering the public. You have served us well. We ask that you review the library budget cuts and return to our City Manager with a response that enables your public to know once again, that you stand for all the rights of a free society; equal access to information through books, magazines, newspapers, other publications and the

Internet; distribution of power through knowledge; public meeting space; healthy and free entertainment, and career tools. Sincerely, Clarissa A. Duran, President, Española Public Library Board.”

Mayor Pro Tem Lucero thanked Ms. Duran.

Ms. Duran stated that she was also in solidarity with the union and hoped that everything happens to help the fabulous City workers.

**COUNCILOR COMMENTS:**

Councilor Duran commented in regards to the union issue, that she was not present at the meeting when the resolution was passed freezing wages. Councilor Duran stated that in conversation with Council after the meeting, it was stated that the resolution was “gutted” and that there was no hold on wages. Councilor Duran declared that there must be a great misunderstanding. Councilor Duran stated that she was aware of the issue with the union and hoped that the City Manager would move up the date of negotiations to accomplish a swift resolution to the issues at hand.

Councilor Duran commented in regard to the library, stating that literacy was very important, and she frequented the library as a child, and would not support a budget that included cuts to the library.

Councilor Herrera commented that he continued to be concerned and disappointed with the relationship that continues with the union and that a meeting has taken this long, adding he hoped that the date of July 9 would be reconsidered and moved up.

Councilor Herrera stated that he was the one that made the motion regarding the budget resolution and he was very concerned when he heard that there was a statement in the resolution that in essence froze wages. Councilor Herrera stated that to have someone second-guess his intent was troublesome, and requested that a new resolution be drafted that he could sponsor to clarify the intent regarding the resolution. Councilor Herrera asked for clarification from Mayor Pro Tem Lucero on exactly what a resolution is, what the intent is, the difference between “Whereas” and “Now, therefore.” how it should be formulated, etc. as he is confused.

Councilor Garcia stated that Council needed to start moving toward putting together legislative request, if Council waits any longer they would be behind the eight ball.

A request was made that staff put together a luncheon to recognize the local delegation and have a discussion regarding upcoming priorities and that those councilors who can attend, attend.

Councilor Lujan stated that she would like to see a quick resolution to the union contract, adding that the City Manager had to move on it.

Councilor Kain-Salazar commented on the resolution freezing wages, stating that it was not her intent. Councilor Kain-Salazar stated that she had seconded the motion and if it was the wording, she was sorry. Councilor Kain-Salazar stated that if the resolution needed to be recalled or a new resolution introduced for staff to do so. Councilor Kain-Salazar stated that the union meeting needed to be moved up.

Councilor Salazar stated that he was absent the day the resolution was passed and would like to see a new resolution done.

Councilor Maestas stated that he wanted a new resolution to recall and revote.

City Manager Gus Cordova stated that the resolution only did a few things; it authorized a working copy of the budget be sent to DFA, and established a cap on increases for certification. Mr. Cordova stated that the next resolution would be the adoption of the

formal budget in July, that resolution will approve the budget. Mr. Cordova added that the prior resolution only did those two things and that those there should know that.

Councilor Kain-Salazar stated Joaquin Maestas had met with Angela Pacheco City Attorney and it was her assessment that the resolution did indeed freeze wages.

Mayor Pro Tem Lucero stated that the particular resolution approved the preliminary budget and the final budget had yet to be approved, adding that it should be cleared up in the next resolution, as it is clear that freezing wages was not the intention.

**CONSENT CALENDAR:**

**Councilor Herrera made a motion to approve the items on the consent calendar, seconded by Councilor Kain-Salazar.**

**Motion passed 8/0.**

Mayor Pro Tem Lucero welcomed Representative Nick Salazar and thanked him for attending.

**REGULAR CALENDAR:**

**Fire Fighters Union Contract:**

Mayor Pro Tem Lucero stated that there was a lot of concern regarding the Contract and there were a few options. Mayor Pro Tem Lucero stated that after discussion, Council could either approve the contract, refer the contract back to the negotiating committee, or Council could enter into Executive Session in order to have questions answered.

Councilor Garcia suggested discussion first.

Mr. Ron Padilla, President of Union 4339, stated that Union 4339 had worked very well with the negotiation team. Mr. Padilla stated that the contract was under a tentative agreement (TA) since on May 7, and when he asked to be placed on the May agenda the contract was scratched off the agenda. Mr. Padilla stated that at the same meeting in which their contract was scratched a resolution was passed that capped the increases, which contradicted the TA of the contract. Mr. Padilla stated that the union accepted the negotiating team's offer, and the Council was not informed by the City Manager of the TA and therefore the Union filed a prohibited practices complaint against the City Manager. Mr. Padilla stated that he was not able to attend the last meeting but has the support from the negotiating team and though there were a couple of issues in sections 111 and 208 he wanted to clear them up. Mr. Padilla stated that the contract should be ratified tonight so they could move on, adding that the Fire Fighters Union has been in negotiations for too long. Mr. Padilla stated that if there were issues the union and negotiation team could have gone back and cleaned them up. Mr. Padilla stated that there had been no communication from the team to the Governing Body, and he felt that was the problem. Mr. Padilla stated that David Valdez, the lead negotiator, was not communicating with the City Manager or the Governing Body. Mr. Padilla read a memo into the record.

Mr. Padilla stated that the union requested that they address Articles 111 and 208 to come to terms with management. Mr. Padilla acknowledged that management rights had been addressed by Cyrus in negotiations, but that it had slipped through on the final draft. Mr. Padilla stated that the time frame for recall firefighters could also be enforced. Mr. Padilla asked for the Governing Body to ratify the contract, that it was a good contract and that the negotiating team and the union agreed to it.

Councilor Kain-Salazar asked why Mr. Valdez was not present. Mr. Padilla and Mr. Cordova both stated that they could not answer why Mr. Valdez was not at the meeting.

Councilor Duran asked if specific language needed to be included. Angela Pacheco City Attorney suggested for section 208, that the two years of training should correspond to the two years that they are on the recall list.

Mayor Pro Tem Lucero asked about items that affect the budget like the additional 1% increase for PERA contributions and the increases for certification and if it was budgeted in the preliminary budget submitted to DFA. Mr. Cordova stated that it included salaries and benefits, but did not include increases per article 315. Mr. Padilla explained that the certification increases of 10% would be for future increases, and that currently there were only 5 firefighters that would receive 7.5% for their Fire Fighter II Intermediate status and the remaining 8 Fire Fighters would take a while to reach those certifications and it would not be a one-time hit for the City.

Councilor Herrera asked for specific information that has been negotiated, and asked if the information was not negotiated. Mr. Samii stated that in looking at the increase from Fire Fighter I to Fire Fighter II, it was compared to in other departments such as Water and Waste Water, as well as the proposed Personnel Policy and was determined to be an equitable issue. Councilor Herrera asked if it was also an issue of certification. Mr. Samii agreed that yes certification and training promotion was an equity issue in their minds.

Councilor Herrera stated that the resolution capped the increases and this may be a moot point, since the Governing Body had already enacted that resolution.

Mayor Pro Tem Lucero asked if increases should be consistent city wide, adding that the resolution caps it at 3-5%. Mayor Pro Tem Lucero also asked if the new Personnel policy did the same.

Veronica Martinez stated that the Personnel Policy provided for either a 10% increase or the minimum salary, whichever was greater.

Mr. Padilla stated that the negotiation team had agreed upon and the contract had been entered into a tentative agreement (TA) on the 7<sup>th</sup> of May and a letter was given to the City Manager on May 9<sup>th</sup>, adding that he could not answer why it was not given to the Governing Body or considered before the resolution. Mr. Padilla stated that the contract was under TA by the management team.

Mr. Cordova stated that the resolution established a cap for certifications at 3-5%, but that it was completely separate from the promotions increase of 10%, but they could not find in the existing policies language that gave staff direction on how much to grant for certification increases and historically those increases were all over the board. Mr. Cordova stated that it was necessary to establish a number and in the resolution it is a 3-5%, in direct conflict with the amount outline in the Fire Fighter Union contract. Mr. Cordova stated that from a policy standpoint they need to decide which it should be.

Mayor Pro Tem Lucero stated that she realizes that it is in conflict, adding that it bothered her that the contract was already TA'd and that it was not considered when the resolution was proposed.

Mr. Cordova stated that he did not receive the Union contract until after the resolution was proposed. Mr. Cordova stated that either way they need to decide and put into writing a policy on certification increases, and thought that they did that in the resolution.

Councilor Duran stated that from what she understands from the City Attorney and from Mr. Samii, and the Union a matter of certification and promotion it says in the contract that a certification also creates a promotion, and could be governed by the promotion policy.

Mr. Samii gave an example and explained that Larry Valdez, Planner Tech getting a certification for flood plain planning and received an increase of 10%, and previously was a certification that allows for promotions.

Mr. Padilla stated that if the Council knew and had been given the contract before the resolution they would have known that they had already agreed to the 10% increase.

Mayor Pro Tem Lucero stated that Council has the option for negotiation to continue to reword Articles 111 and 208, to send it back to the negotiation team to renegotiate the contract, or to enter into executive session.

**Councilor Garcia made a motion to approve the Fire Fighters Union 4339 with the proposed changes in articles 111 and 208, seconded by Councilor Salazar and Councilor Kain-Salazar.**

Under discussion, Councilor Herrera had a question of legality, asking what would happen if they approve with the provisions stated, if that was legal and binding. Mr. Padilla stated that it was, and gave his word on top of that. Councilor Herrera asked what was the next step with Prohibited Practice issue and what it had to do with the approval of the contract. Mr. Padilla stated that if the contract was ratified, the Prohibited Practice issue is rescinded.

Councilor Duran called for the question.

**Voice vote:**

**Councilor Kain-Salazar voted for the motion.**

**Councilor Garcia voted for the motion.**

**Councilor Maestas voted for the motion.**

**Mayor Pro Tem Lucero voted for the motion.**

**Councilor Herrera voted for the motion.**

**Councilor Duran voted for the motion.**

**Councilor Lujan voted for the motion.**

**Councilor Salazar voted for the motion.**

**Motion carried 8/0.**

Mayor Pro Tem Lucero offered thanks to the management team for developing a contract that was beneficial to both parties.

Mr. Padilla offered thanks to Council for ratifying the contract and to the management team for their work in negotiations.

**Public Safety Reorganization:**

Chief Gonzales provided the updated org chart that included the addition of the DWI officer as well as a Training officer.

**Councilor Salazar made a motion to approve the Organizational chart as presented by Chief Gonzales, seconded by Councilor Maestas and Councilor Lujan.**

Under discussion, Councilor Herrera asked since the DWI person would be reporting to the night supervisor, if that would be strictly a night position and when that shift started. Chief Gonzales answered that the shift would probably start at 7:00 p.m.

**Motion passed 8/0.**

Mr. Cordova commented on the situation regarding holding facilities for Detention, stating that it was in dire need of improvements. Mr. Cordova commended the Chief for trying to carve out from the existing facility 4-6 cells to use as a temp detention facility until a long-term solution was devised. Mr. Cordova stated that the Council approved in the interim budget \$200,000 to do some improvements to the facility, and the Chief was working with the architect to find out what improvements could be done to receive certification from the state. Mr. Cordova state that it had been determined that the City would need about \$500,000. Mr. Cordova stated that he had spoke with the DFA and asked for \$250,000 and coincidentally that was the exact amount left in the fund that would revert on June 30. Mr.

Cordova stated that the DFA had already made the agenda for its Thursday meeting, but they were willing to amend the agenda to hear the City's request for the funds. Mr. Cordova stated that Senator Martinez was willing to attend the meeting but was unable, but Representative Salazar would attend and Representative Rodella would call the Chairman on the City's behalf. Mr. Cordova invited the council to attend as well. Mr. Cordova explained that the loan was a 0% loan payable over 10 years.

Mayor Pro Tem Lucero stated that the Governing Body made Public Safety a top priority and it was a sensitive issue and a liability issue and would like to entertain a motion.

**Councilor Duran made a motion to approve the pursuit of the loan from the State Board of Finance, seconded by Councilor Salazar and Councilor Lujan.**

Under discussion, Councilor Salazar thanked all involved in making it happen.

**Motion passed 8/0.**

**MATTERS FROM THE CITY ATTORNEY:**

Angela Pacheco City Attorney stated that the Governing Body met on June 6, 2007 in a Closed meeting regarding the litigation issues: Benji Velarde versus the City of Española and Lillian Brooks versus the City of Española.

**RESOLUTIONS:**

**Resolution 2007-38 Establishing a Hazard Mitigation Plan:**

John Kitchen presented this item. Mr. Kitchen stated that the plan was necessary and drafted in 2003 but was never approved. Mr. Kitchen stated that he was contacted by the State of New Mexico, Office of Emergency Management, and if the plan was not adopted then FEMA may withhold money from the SOEM because the City did not have a plan in place. Mr. Kitchen outlined the 13 items that were necessary to make the plan effective.

**Councilor Garcia made a motion to approve Resolution 2007-38 as presented, seconded by Councilor Lujan.**

**Motion passed 8/0.**

Mr. Cordova commended Mr. Kitchen for taking the initiative, and stated that he appreciated that.

**Resolution 2007-39 a resolution in support of Ayudantes:**

**Councilor Lujan moved to approve Resolution 2007-39 a resolution in support of Ayudantes, seconded by Councilor Kain-Salazar.**

There was no discussion on the resolution.

**Motion passed 8/0.**

**Approval of Personnel Policy:**

**Councilor Garcia made a motion to approve the policy as presented, seconded by Councilor Kain-Salazar and Councilor Maestas.**

Councilor Herrera commented that he had an opportunity to serve on the committee with the staff, and if anyone could have seen the discussion, they could testify there was a spirit of collaboration and there was a sense of strong accountability in the city, and the document expresses that.

Councilor Kain-Salazar stated that she was very honored to work with staff and was happy with the results, and offered thanks to all who participated. Councilor Lujan added that it was long overdue.

**Motion passed 8/0.**

**ANNOUNCEMENTS:**

Mr. Cordova announced that he had drafted a memo that called for an Emergency City Council Meeting on June 28, 2007 at 6 pm to review and approve the recommendation of an insurance carrier. Mr. Cordova stated that the City's insurance expires on Sat June 30, 2007, and in light of council requirements of the proposed policy Council needed to approve.

Mayor Pro Tem Lucero stated that Council would proceed with the Emergency Council meeting Thursday at 6pm.

Mayor Pro Tem Lucero announced that the Chamber of Commerce would hold its business after hours at the Works Day Spa on Thursday, June 28, 2007 from 5:00p.m. until 7:00 p.m.

Councilor Garcia asked Council to work on the Capital Outlay request and to set up a meeting with the local delegation.

City Manager Gus Cordova accepted the recommendation to schedule that meeting.

Veronica Martinez announced that on July 3, 2007 the City would hold an Employee Appreciation event from noon to four at Valdez Park.

**Councilor Lujan made a motion to adjourn, seconded by Councilor Kain-Salazar.**

**Meeting adjourned at 8:44 p.m.**

***Electronic Copy – Signatures on File***

*Transcribed by:  
Lucas Gauthier*