

**CITY COUNCIL WORKSHOP  
MONDAY, OCTOBER 15, 2007 6:00PM  
CITY HALL COUNCIL CHAMBERS  
405 PASEO DE OÑATE ESPAÑOLA, NEW MEXICO**

This meeting was called to order at 6:08 pm with the following present:

Mayor Joseph M. Maestas

Mayor Pro Tem Alice Lucero

Councilors Danielle Duran  
Helen Kain- Salazar  
Alfred Herrera  
Cecelia Lujan  
Edward Maestas  
Rosario "Chayo" Garcia (absent)  
Dennis Tim Salazar (absent)

City Manager Gustavo "Gus" Cordova

City Clerk Lucas Gauthier

City Attorney Angela "Spence" Pacheco

Staff: Julian Gonzales, Larry Ham, Leroy Garcia, Anne Moore, Maria Sandoval,  
Jeffery Martinez, Louis Lujan, Sandra Bustos, Cyrus Samii, Mrs. De  
Herrera De Herrera.

Mayor Maestas presented the agenda and suggested removing items #3 and #10 from the agenda, and suggested the addition of Introduction of Library and Recreation Directors under Business with Visitors.

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS**

**COUNCILOR COMMENTS**

**BUSINESS WITH VISITORS**

1. Request for Co-Sponsorship of Electric Light Parade [
2. Library Board Presentation

**MATTERS FROM THE MAYOR**

3. Appointment of Grievance Board Members

**STAFF REPORTS**

4. Questions from Council on Staff Reports

**ITEMS FOR DISCUSSION**

5. Discussion of 3/8% GRT Expenditures
6. Ordinance 2007-06 Districting Ordinance
7. Ordinance 2007-07 Reallocating \$625,000 of the NMFA Loan Proceeds for the Development, Design and Construction of the City's Proposed Water System Improvements

**ITEMS PROPOSED FOR COUNCIL CONSIDERATION**

8. Joint Powers Agreement with 911
9. Recommendation for award of contract on RFP 2007-07 Wireless Backbone Services
10. Recommendation for award of contract on RFP 2007-08 Janitorial Services
11. Budget Adjustment Requests (DFA Resolutions 5, 6, 7, 8) Establishing Funds for Grant Monies

**EXECUTIVE SESSION**

12. As authorized by Section 10-15-1(H)(7) of the Open Meetings Act to discuss litigation regarding *Brooks v. City of Española*

#### ANNOUNCEMENTS

#### ADJOURNMENT

**Councilor Lujan made a motion to approve the amended agenda, seconded by Councilor Maestas. Motion carried 6/0.**

#### PUBLIC COMMENTS:

None

#### COUNCILOR COMMENTS:

Mayor Pro Tem Lucero thanked those who helped for the Chamber of Commerce Spirit Days and Fall Clean-up.

Councilor Lujan invited all in attendance to participate in the scheduled Town Halls Meetings for Public Safety Week.

Councilor Kain-Salazar stated that there would be a Walk Against Drugs from Saint Anne's Church.

#### BUSINESS WITH VISITORS:

#### **Recreation Director and Librarian Introductions:**

Leroy Garcia introduced Maria Sandoval and Anne Moore. Ms. Sandoval briefly described her experience and thanked the Governing Body for the opportunity. Councilor Lujan jokingly made the suggestion to add more water aerobics. Councilor Duran stated that her mother frequents the facility and has heard praise from her about the changes. Mayor Maestas stated that he has appreciated the changes. Mr. Garcia stated that there has been an improved atmosphere at the library since Anne's arrival. Mrs. Moore thanked the Governing Body for the welcome.

#### **Electric Light Parade Co-Sponsorship:**

Eric Quintana presented on this item. Mr. Quintana stated that there with him tonight to represent Main Street was Olivia Martinez and Peter Valdez. Mr. Quintana stated that they were present to request the City's co-sponsorship of the 12 annual Electric Light Parade. Mayor Maestas stated that he liked the corroboration with the parade and Christmas on the Plaza, adding that it increases attendance. Mr. Quintana suggested because of the cold weather that the City and Main Street put their heads together and come up with ideas. Mr. Quintana stated that there would be a lot of floats in attendance. Leroy Garcia stated that the route might be changed and that they would like to end at the Plaza and this could possibly draw a large crowd. Mr. Quintana stated that it would be a win-win situation. Mayor Maestas stated that he has glad to see Leroy so enthusiastic and excited. Councilor Kain-Salazar asked for the date. Mr. Quintana stated that the event would be held on December 8, 2007. Councilor Herrera asked for the record what co-sponsorship would entail. Mr. Quintana answered that use of the facility and the subsequent use of insurance and liability, streets, and police man-hours. Mr. Quintana stated that the police would be required to provide crowd control and direction. Mayor Maestas stated that he would like Main Street to solicit more vendors, and have food vendors selling good local food. Mayor asked to note for the consent agenda.

#### **Library Board presentation:**

Clarissa Duran presented on this item. Ms. Duran stated that the Library Board would like to acquire a security system for the facility rather than carpet. Library Director Ann Moore stated that 420 books were missing from circulation at the library, out of 6500 equating to approximately \$10,000. Mayor Maestas asked if the people who have over-due books are unable to checkout. Mrs. Moore stated that those who have over-due books are not allowed to check out new books. Councilor Duran asked how much a security system would cost. Mrs. Moore stated that it was an inventory control system that would tag each book individually and would have a monitoring device at the entrance, which would alarm if the book did not get checked out. Mrs. Moore stated that this system would cost approximately \$20,000. Mayor Maestas asked what stipulations were place by Santa Fe County for the appropriation. City Manager Gus Cordova stated that there were none just that they be used for Library improvements. Councilor

Duran asked that a Budget Adjustment Request be placed on next week's agenda. Mrs. De Herrera stated that she has been notified. Mayor Maestas asked how much to repair the carpet in the library. Mrs. Moore stated that it would cost \$800.00 to repair the areas in dire need.

### **DISCUSSION ITEMS:**

#### **Staff Reports:**

Mayor Maestas asked if there were questions on the staff reports. Councilor Duran stated that she had general questions in terms of parks; she asked if the parks department had the appropriate number of staff. Leroy Garcia listed the Parks that are cared for by his parks employees, and that he has been assessing the workload. Councilor Duran asked when they were planning for a Volleyball Tournament. Maria Sandoval stated that on November 21, 2007. Mayor Maestas asked if it would be possible to start phasing in xeriscape around the recreation facilities and start beautifying the parks. Mr. Garcia stated that he was not aware of free monies for such a project and he has been concentrating and planning to ensure there are sufficient funds for operation. Mr. Garcia stated that in the past it has been volunteers who have planted roses at the Bond House and Mision. Mayor Maestas suggested having the departments together to establish some effective landscaping. Councilor Duran suggested General Services assist in the endeavor and City Manager Gus Cordova get with General Services to address some issues.

Mr. Garcia stated that the plaza budget does not have a maintenance budget and any repairs that have been done monies had to be pulled from other funds. Mayor Pro Tem Lucero stated that there at one time was interest in a community beautification project for the City. Mr. Garcia stated that there was an Adopt-A-Median plan that never took off, and he could dust off those plans. Mayor Pro Tem Lucero suggested that he just update it. Councilor Kain-Salazar thanked Mr. Garcia for signs at the Veterans Memorial Park. Mr. Garcia stated that it just took a phone call and it was addressed it immediately. Mayor Maestas asked for Mr. Garcia to identify all employees who assisted in the preparation of the Youth Technology Center. Mr. Garcia stated that it was General Services, Streets and IT that did a majority of the work. Mayor Maestas stated that they did a great job.

Mayor Maestas asked if there were any other questions on the staff reports.

Councilor Duran stated that she was looking at the planning report, and inquired about the differences in last year's numbers. Cyrus Samii stated that there had been a slow down possibly due to the threat of layoffs at the labs. Councilor Duran asked if there had been inquiries from new businesses. Mr. Samii stated that there were none on track. Councilor Duran asked if there would be code enforcement education to reduce the amount of violations. Mr. Samii stated that Planning and Zoning had taken a proactive stance on beautification to make it more appealing.

#### **Finance Report:**

Councilor Herrera asked in General Fund column 2, budget to actual, if it was just a statement how they are doing budgetary. Councilor Herrera stated that he did not see on the report, not on either side. Mayor Maestas stated that it was an actual 06-07 to actual 07-08. Mrs. De Herrera stated that due to an illness Josie would not be present to field questions and requested to have any questions emailed to her. Mayor Maestas stated that he would like to have a summary narrative of finances to clear up any confusion. Mr. Cordova stated that the numbers were actual not budgeted. Mayor Maestas stated that he was concerned about the GRT's, in between reports. City Manager Gus Cordova stated that the General Fund would include GRT's, and property taxes. City Manager Gus Cordova stated that it could be broken down further. City Manager Gus Cordova stated that in most businesses do not report GRT's on a month-to-month basis. Mr. Cordova stated that some businesses file quarterly reporting and that is why there are spikes. Mayor Maestas stated that he was relieved to see the spike in September. Mayor Maestas stated that last time it showed as being down 15% and that the spike did help. Councilor Herrera stated one thing that needed to take place was a discussion on what information to provide to Council, and how are we doing to budget today. Councilor Herrera stated that he would like to know if we are doing ok according to budget, if we are over expended or under expended. Councilor Herrera stated that that would be better information. Mr. Cordova stated that it does indicate that the city has expended 25% of its budget for the first three months. Councilor Herrera stated that it needed clearer information, a narrative or paragraph; he added that it would allow him to know where we are overall. Councilor Herrera stated that it would be good information to have. Mr. Cordova stated that he could certainly provide a summary.

#### **3/8 GRT Expenditures:**

Lupita DeHerrera presented on this item. Mrs. De Herrera apologized for the tardiness of the hand out. Mrs. De Herrera explained the breakdown of the GRT's and stated that they balanced to the general ledger. Mrs. De Herrera stated that the items were listed as 01,02 and 03. Mrs. De Herrera stated that she had issues with locating the items in their entirety. Councilor Herrera asked for 2 or 3 min to review the report. Mayor Pro Tem Lucero asked to receive the items prior to the meeting. Lupita stated that she was sorry but wanted to ensure the Governing Body received accurate information. City Manager Gus Cordova asked Council to just take it in and wanted to present it and would call for questions at a later time.

Councilor Duran asked how much had been collected to date. Councilor Herrera asked for an explanation of the summary page at 6-30-07, reference 2002-05. Mrs. De Herrera stated that was the amount that came in that year. Councilor Herrera asked where the numbers of \$1.1 million came from compared to \$1.35 million from financial. Councilor Duran asked for them to be separated. Councilor Herrera asked if the numbers represent revenue. Councilor Herrera asked for the Governing Body to look at financial and compare the difference. Councilor Herrera stated that he was trying to figure out why the numbers do not jive. Mr. Cordova stated that author of the report was not here to vouch for those numbers. Councilor Herrera suggested that they get both together and work through the differences. Mr. Cordova stated that the numbers before council are auditable. Councilor Herrera asked to have by next Council meeting a total of expenditures. Councilor Herrera stated that the line items that are questionable be fully explained or high lighted. Mrs. De Herrera asked if he would like a narrative of those expenditures. Councilor Herrera agreed adding that some items do not fit the criteria of the tax. Councilor Duran asked for a list of specific projects and vendors. Mrs. De Herrera asked if she would like it broken down by fiscal year. Councilor Duran answered yes. Lupita continued with her presentation. Mayor Maestas asked what retainer meant. Mrs. De Herrera stated that for a period the City had Molzen~Corbin and Associates on retainer but they did a breakdown to task-order and project. Mayor Maestas stated they are broken down. Mayor Maestas asked if the funds were labeled consistently. Mrs. De Herrera stated that she would make sure they were consistent. Mayor Maestas stated that the funds could not be used for operation and maintenance. Mr. Cordova stated that the language does come from the state statute. Mayor Maestas stated that the language would have to be cleaned up, to be consistent. Mayor Maestas asked Mrs. De Herrera if she ran out of time, since several were not identified. Mayor Maestas stated that on the 1<sup>st</sup> page 3003, there were no remarks and it was not bolded. Mrs. De Herrera stated that if it was not bolded that it required more research. Mayor Maestas asked where she showed intercept, to show what was taken off the top. Mr. Cordova stated that if it is intercepted it would not show up on the expenditure report. Mayor Maestas stated that the Governing Body really needed to see what was expended, adding that was what they expected to see. Councilor Herrera asked to hear more on the transfer to the Bureau of Reclamation (B.O.R). Councilor Herrera stated that it shows as an expenditure to Molzen~Corbin and Associates as Drought Contingency. Mrs. De Herrera stated that the expenditure was transferred to the B.O.R. grant. Councilor Herrera asked if it should show as expenditure to the 3/8 GRT. Mrs. De Herrera stated that no it will be credited the \$20,000, and charged to the BOR grant. Councilor Herrera asked when she does that if cash is transferred back into the account, and how it is accounted for in cash. Mrs. De Herrera stated that reconciliation of the grant would offset the expenditure. Councilor Herrera asked how would the cash show back in the fund. Mrs. De Herrera stated that the reimbursement from BOR would go to the bank and then it could be moved into the fund. Mrs. De Herrera stated that there are several transfers to be done and that they will be separated and addressed. Mrs. De Herrera stated that the same would also be done with retainer fees. Mayor Maestas suggested ceasing all retainer fees and charging only the designated projects. Mr. Cordova stated that only task orders over 50% have been charged out, adding that to maybe just identify retainers project specific and fix over time. Mayor Maestas asked if there was a fund reference in Caselle to track the checks to review what. Mrs. De Herrera stated that if it is not notated the same when entered, it then it is difficult to review. Mayor Maestas stated that the bank photocopies checks, could we not go to the bank and review the voucher number from the check. Mayor Maestas stated that Finances should not have to go look for hard copies should be avail in the system. Mr. Cordova stated that he wanted to ensure the Governing Body received high quality information and be able to provide a fix. Mayor Maestas suggested the Governing Body send written comments to Mrs. De Herrera for review. Mrs. De Herrera stated she was open to answer any questions. Mayor Maestas stated that he would like to see the report cleaned up to present it to the public, adding that it would show where taxpayers' monies have gone. Mayor Maestas asked if Mr. Cordova could review all expenses to date. Mr. Cordova explained the process and ensured he had eyes on

them and was reviewing the expenses. Mayor Pro Tem Lucero asked to make sure ineligible expenses were red flagged.

#### **ITEMS FOR CONSIDERATION OF APPROVAL:**

##### **Districting Ordinance 2007-06:**

Councilor Duran commented that she had not been updated as to why the district would cut across the river and that the San Pedro area could not be totally represented. Councilor Duran stated that she was concerned that there may be a flaw in representation. Councilor Duran asked if it would be possible to draw lines in accordance to populations and historic communities. Councilor Duran requested for Mr. Cordova to inquire to Research and Polling in response to her concerns.

Mayor Maestas asked why if the wards were described in the ordinance if they were to be repealed. Lucas Gauthier stated that the wards are described in relation to the districts merely as an educational tool. Councilor Herrera asked if the county Clerk's had been contacted in reference to the City's districting plan. Councilor Herrera asked to have staff review the boundary lines because he did not feel unnamed road was an appropriate description. Mr. Samii stated that Michael Sharp provided the physical boundary descriptions from Research and Polling Inc. Councilor Herrera stated that it was even more reason to review because Mr. Sharp was not from Española.

Mayor Maestas asked for a language change to line number 104, to include: every two years, after 4-year term on line 105.

Mayor Maestas stated that the Clerk's office would send out new voter identification cards with the districts on the cards.

A Citizen spoke out and suggested the use of GPS to identify points.

**Mayor Maestas stated that this item was subject to a public hearing and would remain as a regular item on the agenda.**

##### **Ordinance 2007-07 NMFA Loan:**

City Manager Gus Cordova presented on this item. Mr. Cordova stated that Tony Duran presented this item to Council in August from NMFA, and that it had fallen through the cracks. Mr. Cordova stated that the ordinance allowed for the re-authorization of a loan to use the existing balance for water system improvements. Mayor Maestas stated that it was a good use of monies and for a fitting need. Mayor Maestas stated that the loan was originally used for the purpose of drilling well 9, which turned up dry. Mr. Cordova stated that well 9 could be salvaged if it was drilled laterally.

**Mayor Maestas stated that this item was subject to a public hearing and would remain as a regular item on the agenda.**

##### **E-911 Joint Powers Agreement:**

Julian Gonzales presented this item to council. Mr. Gonzales reviewed the changes that were made to the JPA. Changes include a language change that allows the use for taxes from the 911 Board, and budget and operating cost to run the E-911 center. Mayor Maestas asked who paid for the other 20% for financial participation, since Rio Arriba County paid for the first 80%. Mayor Maestas stated that it is mostly done by call volume, why was it decided to stay with the division. Mr. Gonzales stated that Española by far receives more calls. Mayor Maestas asked about the inclusion of Santa Clara pueblo, and if there would be a new JPA. Mr. Gonzales stated that they were included in the one before council. Councilor Herrera asked for clarification of item C, 100 of the 20%. Mr. Gonzales stated that the City would be responsible for the 20% only if the e-911 tax does not raise sufficient funds. Councilor Herrera asked if currently the 80% covered everything. Mr. Gonzalez stated that Councilor Herrera was correct. Councilor Herrera asked what impact did Santa Fe have on the tax. Mr. Gonzales stated that there was none. Mayor Maestas asked if the administrative fee of 5% remained unchanged. Mr. Gonzales stated that he was correct. Mr. Cordova stated that the City only receives 1% currently. Mayor Maestas asked for the language to include just 5% not up to. Mr. Cordova stated that 1% was a low admin fee and should be 5%, no question. Mayor Maestas asked to have language amended to read shall be

5%. Mr. Gonzales stated that it was semantics and we charge the 5% fee. Mr. Cordova stated that it would equate approximately \$40,000. Mayor Maestas stated that it should be a set amount. Mayor Pro Tem Lucero stated that the language does allow for the City to charge 5%. Mayor Maestas asked Mayor Pro Tem Lucero to work through the representative and address the board and enact the fee at 5%. Mr. Cordova stated that 1% was not appropriate for the work provided to the board. Mayor Maestas stated that the City needed to be consistent on the administrative fees it charges to other entities. Councilor Duran stated that she supported the Mayor's comments. Mr. Gonzales stated that he did not feel it would receive opposition from the board.

Councilor Herrera asked as the fiscal agent, if the City audit included an audit of E-911. Mr. Gonzales stated that the E-911 would have a separate audit. Mr. Cordova stated that the authority is separate and the board would seek an audit. Councilor Herrera asked if our auditor exclude those expenditures. Mr. Cordova stated that he would look into it. Councilor Herrera stated that if the City was paying for the annual audit the city is incurring additional expense. Mr. Gonzales stated that it does not say that the auditors must be different. Mr. Cordova stated that they could pass on the charges to them for the additional cost. Councilor Duran confirmed that the City was not in charge of their expenditures, just act as a pass thru agent. Mrs. De Herrera stated that the audit does audit everything and they (911) are held accountable. Councilor Duran asked for the misspellings to be corrected. Mayor Maestas thanked Mayor Pro Tem Lucero for her representation on the board. Mr. Gonzales stated that the other entities were also given the opportunity to make amendments to the agreement. Mr. Cordova asked how they would be made aware of proposed amendments made by other entities. Mr. Gonzales stated that all entities have representatives on the board.

**Mayor Maestas asked for the item to be brought back to council after the appropriate changes were made.**

**Award of RFP for Wireless Backbone Services:**

The Ortiz Brothers presented on this item. Mr. Ortiz stated that they will allow access to onsite information to officers in the field. Mr. Ortiz stated that it is a grant-funded application. Mr. Ortiz stated that the services were needed and the strict time line would require the grants expenditure. Mr. Ortiz stated that there has been one respondent to the RFP. Mayor asked what role they represented. Mr. Ortiz stated that they were technical advisors.

Mayor Pro Tem Lucero asked to place the item on the consent agenda, with the propose recipient present.

Mayor asked if Wind-stream had dark fiber available to use. Mr. Ortiz stated that the wireless provides more capability and was more long-term.

Councilor Duran asked for information for the contractor, Integrity Networking. Mr. Ortiz stated that Integrity did work to establish a wireless network for the Cerro Grande firefighters. Mr. Ortiz stated that their reputation was very good, and came highly recommended. Councilor Herrera asked how much the RFP was for. Mr. Ortiz stated because of the phases it is \$70,000 for this phase. Councilor Herrera asked what additional long-term funding would come up. Mr. Ortiz stated that there would be no reoccurring cost. Councilor Herrera asked what the relation would be to the E-911. Mr. Ortiz stated that it would tie in without disparities. Councilor Lujan asked if timeline of November 8, 2007 for Department of Justice Grant could not be extended. Mr. Ortiz stated that extensions are not guaranteed. Mayor Maestas asked for the input from Officer Martinez. Officer Martinez stated that it looked good. Chief Gonzales thanked all staff that participated in the RFP process. Mayor Maestas requested that the item be mentioned during the Town Hall Meetings.

**Moved to consent agenda.**

**DFA Resolution:**

Mrs. De Herrera explained the purpose of the Budget adjustments; she stated that they would allow for the acceptance of grant monies for the library, and NMFA water projects that must be expended within 90 days. Mayor Maestas asked if the NMFA grants would be completely expended. Mrs. De Herrera stated that they have place a strict time line for expenditure.

**Moved to the consent agenda.**

**Water Trust Board Application Resolution:**

City Manager Gus Cordova presented on this item. Mr. Cordova stated that the application was in addition to the funding received and would be for an existing project. Mayor Pro Tem Lucero asked how much was being considered. Mr. Cordova stated that the initial \$3.8 million as a grant request, it would get the City's name in hopper and legislature would award, amount could be adjusted. Mayor Maestas stated that an additional funding application receives less scrutiny than a new project would.

**Mayor Pro Tem Lucero asked to have it as a regular item on the agenda.**

**EXECUTIVE SESSION:**

**Councilor Kain-Salazar made a motion to go into executive session pursuant to 10-15-1(H) 7 of the Open Meetings Act to discuss legal matters, seconded by Councilor Maestas.**

**Roll call vote:**

**Councilor Kain-Salazar 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.**

**Motion carried 6/0.**

**Mayor Pro Tem Lucero made a motion to come out of exec session, seconded by Councilor Maestas**

Mayor Maestas asked for the record to show that no action was taken during executive session.

**Roll call vote:**

**Councilor Kain-Salazar 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.**

**Motion carried 6/0.**

**Councilor Lujan made a motion to adjourn at 10:08 pm, seconded by Councilor Kain-Salazar.**

**Motion carried 6/0.**

**The meeting adjourned at 10:08 p.m.**

*Electronic copy – signatures on file*

*Transcribed by Lucas Gauthier*