

**FINANCE BOARD MEETING MINUTES
MONDAY, SEPTEMBER 25, 2006
SAN GABRIEL MISIÓN, 1 CALLE DE LAS ESPAÑOLAS
ESPAÑOLA, NEW MEXICO**

The meeting was called to order at 6:04 p.m. with the following present:

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

City Manager: Chris Rainwater

City Clerk's Office: Veronica Martinez

City Attorney: Angela "Spence" Pacheco

Staff: Susan Trujillo
Josie Lujan
Ivan Guillen
Leroy Garcia

Mayor Maestas led the pledge of allegiance and invocation.

Approval of Agenda

Mayor Maestas presented the agenda and recommended removing two items, the Fiesta Budget Report, and the Proclamation for Esther Martinez, as her family was unable to attend.

Councilor Herrera made a motion to approve the agenda as amended, seconded by Councilor Lujan; the motion passed with a 7/0 vote.

Mayor Maestas presented the minutes of August 28, 2006 for approval.

Councilor Salazar made a motion to approve the minutes of August 28, 2006, seconded by Councilor Kain-Salazar. The motion passed 7/0.

Citizen Comments:

Resident of Pacheco Lane Ray Lopez asked when their road could be graded and improved, as they have had this problem for a long time and nothing has been done. He stated that their road is sinking in some areas and there is too much clay and not enough base course. He stated that they would like it to be graded.

Jason Lopez, also of Pacheco Lane, stated that he had spoken to the Mayor and Chris Rainwater about the issue, stating that the contractor did not put enough base course when they did construction on the water lines. Lamb Street was done correctly, but Pacheco Lane was not done the same. There are potholes and muddy clay, and some of the fences are sinking. He reported that they had put the fencing back but there are holes where they put the poles.

Geraldine Lopez, of Pacheco Lane, stated they didn't put enough base course and took some chain link fences down and were going to put it back, but they never did. Where they did put some fence back, they put barbed wire instead of chain link.

Eric Fernandez stated that when they did the construction, the contractor was supposed to do what they did on Lamb Street but didn't so they have 10' x 6' puddles and 6-7 inch deep potholes and its like living in a rural area. He heard it might not be a dedicated road, but they have services and used to have it graded, but it was not done to provide adequate drainage. He stated he thought it would need at least 8 inches of compact and not just a couple of inches of base course. He's concerned that their cars will be damaged by the holes in the road.

Mayor Maestas asked for more comments; there were none. He asked Mr. Rainwater to provide the administration's perspective of the Lamb Street issue.

Chris Rainwater stated that he was glad to hear feedback from the community in order to allow us to develop a plan to fix problems. He reported that this issue was addressed at the last Public Works meeting, and questions were raised including the status of the road's dedication, when lines were run, and whether it was done correctly. He stated that the City does want to provide the best infrastructure, but there is a legal matter of the road not being dedicated. If it is not dedicated, the question is what is the city's responsibility to maintain those streets? This applies not only to Pacheco lane, but citywide,

Mayor Maestas asked if the contractor on this project had been released from responsibility. Chris Rainwater reported that the contract had been completed, but not sure if enough time had passed that the contractor was released, and stated that he would look into whether the street was returned to its pre-construction state.

Councilor Duran stated she was glad to hear the city was looking into the contractor issue. She asked if someone from the city could make sure the street was done correctly, and do it from now on. If there were no legal means to pursue, she would like to hear more about what our alternatives are.

Councilor Herrera stated that this issue was discussed extensively at the Public Works meeting, and that he appreciated the citizen concern about this issue. Councilor Herrera expressed his commitment that the Public Works committee will monitor this issue closely and find out what we can and cannot do.

Councilor Salazar agreed with Councilor Herrera and thanked the concerned citizens for their input and advised them to contact Mr. Rainwater to find out the progress of this issue.

Mayor Maestas stated that as a councilor he felt uncomfortable investing money in undedicated streets, stating that this is a citywide issue, not just a single street maintenance issue. He reported that we would be doing an inventory of those affected streets and developing a plan of action to upgrade streets.

Councilor Comments:

Councilor Herrera announced that a job fair would be taking place on October 4-5 at the Okay Owingeh dome and encouraged active participation by the council. Councilor Herrera also commented on the HELO conference, stating that it was a good regional event we should be involved in and do whatever was needed to help. He stated that the city was honored to be a part.

Councilor Duran stated that two finance meetings ago she asked for an update on council priorities and how they've been addressed. Chris Rainwater reported that he was working on it, and would present it when it was complete. He reported that Susan Trujillo would be heading up a full finance report and the council would get that as soon as it was available.

New Business:

Eric Quintana represented Mainstreet on their request to serve wine at the Taste of the Enchanted Valley on October 6. He also asked for co-sponsorship for this event and for the Electric Light Parade. He explained that the Taste was the fundraiser for the year, and that the money helps with supplies for the year. He asked for co-sponsorship with in-kind services, providing help to set up, and also needed the approval of the canopy license.

Councilor Maestas moved to approve the request for co-sponsorship, seconded by Councilor Lujan, the motion passed with a 7/0 vote.

Councilor Maestas moved to approve the liquor request, seconded by Councilor Kain-Salazar, passed with a 7/0 vote.

Mayor Maestas stated that the previous appointments of the City of Española's 911 board representative had been the acting planning director due to the problems that were present with addressing, but since they had been resolved, he recommended for our representatives, Acting Chief Anabelle Gasca and Acting Fire Chief John Kitchen.

Councilor Salazar moved to ratify the Mayor's appointment, seconded by Councilor Lujan.

Under discussion, Councilor Herrera congratulated the City of Española and the county for completion of the 911 addressing. He requested permission to read into the record an important paragraph from a letter from the DFA, LGD that was addressed to Mr. Rainwater commending the city and county.

Councilor Duran stated that she supported both chiefs being on the 911 Board. She also stated that she recalled there should be a citizen member on the board, and had some concern that someone should represent the community.

Motion passed 7/0.

Mayor Maestas presented his recommendations for the appointment of city representation on the NCSWA Board; he appointed Chris Rainwater as the primary representative, with Leroy Archuleta as alternate.

Councilor Duran moved to ratify the Mayor's appointment, seconded by Councilor Herrera; motion passed 7/0.

Discussion was held regarding the Windstream Franchise Agreement. Mr. Rainwater reported that currently there is no agreement in place, but there is a need for one. He reported that a draft is in the works, and he would get it to the council for review. Councilor Herrera commented that we should discuss with Windstream complaints he has received about bad communication during the transition and their customer service.

Matters from the Mayor:

Mayor Maestas read a Proclamation declaring the week of September 25-29 "Race Equality and Inclusive Communities Week".

Mayor Maestas read and presented to representatives a Proclamation declaring October United Way Month. Paula Gutierrez and Donna Schroeder thanked the Mayor and announced their Kick Off on September 24, 2006.

Matters from the City Manager:

City Manager Chris Rainwater reported that staff continues to review revenues and expenditures at each staff meeting, and reported that those departments showing more than a 5% variance have been instructed to work on keeping their expenditures in check. He stated that the target amount changes daily, and as of this day, was 23%. He reported

that overall, the budget expenditures are 7.2% below target, and that staff was watching line items closely. He reported that revenues were slightly behind target, but still ahead of expenditures, stating that staff is doing well keeping budget in check.

Chris Rainwater presented the personnel report, which had been requested by several members of the council. He asked for their feedback on the report, explaining that this report shows the status of each position, whether filled, vacant, or advertised. Mr. Rainwater requested comments or suggestions for the report.

Councilor Duran had two questions, whether the report included staff changes, which Mr. Rainwater assured her it did. Secondly, she asked the status of the Public Safety Director position. Mr. Rainwater reported that the Ad Hoc committee had met to review resumes, and had scheduled interviews for October 3. He stated that the committee would convene interviews and bring their recommendations to the Mayor.

Mr. Rainwater provided an update on the Santa Fe County proposed public safety tax increase. He reported that he had met with Joe Gonzales and his staff and that the proposed increase is on the ballot for November. Mr. Rainwater had asked to be provided with the ballot issue and agreed to re-approach the issue after election, at which time, if it is approved, equitable distribution would be discussed.

Mayor Maestas thanked Mr. Rainwater for getting the dialogue going with Santa Fe County, stating that sometimes Santa Fe County forgets about Española being a part of the County. He expressed the City's need to be proactive on issues that will affect our constituents.

Mr. Rainwater reported on the regular and special audits, stating that the 2004-2005 and the 2005-2006 regular audits were ongoing. He reported that the auditors had recently completed fieldwork of the 2004-2005 audit and work continues. It was anticipated that the audits should be complete by end of year; the auditors had been asked that the 2005-2006 audit be done concurrently rather than consecutively. As for the special audit, Mr. Rainwater reported that the selected firm had reviewed the scope again, to see if work requested could be done with the established budget. He reported that if any deviation or change occurred in scope or budget, it would come back to council for approval.

Ivan Guillen spoke to the Award of Bid for the Crisis Center Courtyard improvements, stating that it had gone out to bid twice with no valid bids, but the city was able to negotiate with a contractor and recommended approval of the bid to Omega Builders in the amount of \$24,000.

Motion to award the bid was made by Councilor Lujan, seconded by Councilor Maestas; motion passed 7/0.

Resolutions:

Mr. Rainwater spoke to Resolution 2006-36, Repealing Resolution 2004-03, A Resolution Regarding Governing Body Approval of Small Purchase Contracts, explaining the original Resolution's purpose, and stated that without the resolution in effect, the administration would still be required to adhere to the State Procurement Code.

Councilor Duran asked for clarification of the sections cited in the resolution. Susan Trujillo addressed the question, reading the citation to the council, stating that the city must adhere to the Procurement Code and then must enter into contracts subsequently. Mayor Maestas asked what the threshold amounts were. Susan Trujillo stated that procurement code required that for purchases up to \$5,000 to use the most advantageous source, from \$5,001 to \$19,999 that three quotes must be obtained, and over \$20,000, formal bid process must take place.

Councilor Kane-Salazar moved to adopt resolution 2006-36, seconded by Councilor Lujan.

Under discussion, Councilor Herrera expressed his support of this resolution because the budget in place is being reviewed constantly and is a check in the area of checks and balances. It also provides the administration the room to do their job more efficiently.

The motion passed 7/0.

Chris Rainwater spoke to Resolution 2006-37, A Resolution Increasing Solid Waste Rates, explaining the provisions outlined in the Memorandum of Understanding with North Central Solid Waste, and noted that the County would also be passing a resolution increasing their rates at their meeting of September 28.

Councilor Herrera made a motion to approve Resolution 2006-37, seconded by Councilor Kain-Salazar.

Councilor Herrera asked what the increased amount would be. Michele Martinez of NCSWA stated that the amount would be about \$.71 for the average household. Councilor Herrera informed Ms. Martinez that he had not heard complaints of the Authority's service, so they must be doing a good job and thanked her. He stated that he is more comfortable approving incremental increases rather than lump sums every five or six years, as increases are necessary to continue our operations.

The motion passed 7/0.

Mayor Maestas spoke about Resolution 2006-38, stating that he and others had been working with the legislative delegation and governor to assess the impacts of the contracts. He reported that Taos, Santa Fe, Los Alamos are all working with us on this effort.

Councilor Duran moved to adopt Resolution 2006-38, Concerning Investment in Northern New Mexico's Future, seconded by Councilor Lujan.

Under discussion, Councilor Duran thanked the Mayor and staff for their efforts, stating that this issue had long been discussed and we now had the opportunity to find a way to have the LANL dollars work for the surrounding communities. Councilor Durán offered her assistance with this effort.

Mayor Maestas reported on the meeting with Representative Salazar and Speaker Lujan by Chris Rainwater and Councilor Herrera, and reported that meetings with Taxation & Revenue would be held to discuss the actual impacts of the tax.

The motion passed 7/0.

Mayor Maestas introduced Resolution 2006-39, A Resolution Concerning DWI Initiatives. He stated that the city needed to send a strong signal to the rest of the state how strongly we feel and that we want to make strides to provide stronger penalties.

Councilor Lujan moved to adopt Resolution 2006-39, seconded by Councilor Kain-Salazar and Councilor Salazar.

Under discussion, Councilor Herrera expressed his support of the initiative to move forward aggressively to curtail the epidemic, also stating that the Regional Detention Center is an existing need for the region.

Mayor Maestas stated that the timing for the DWI initiative of Governor Richardson and the common need for a regional center could be the catalyst to get this done sooner than later.

Councilor Duran stated that since she was elected, she'd been looking at the DWI issues, noting what City of Santa Fe and Santa Fe County did with the impound practice, and we should look at it, too, but would like to see the outcome of the Albuquerque/Bernalillo county responsibility issue on who should provide jail services.

The motion passed 7/0.

Announcements:

Councilor Durán announced that on Wednesday September 27, an open public meeting on the reconstruction project of US 84/285, would be held at the Misión. She asked for attendance from the Council.

Chris Rainwater announced that the next council meeting falls on a holiday, and so the regular meeting would be rescheduled for October 10.

Mayor Maestas reminded everyone about the HELO summit, invited all to attend.

Councilor Duran moved to go into executive session pursuant to section 10-15-1(H)(7) of the Open Meetings Act to discuss pending litigation; *Brooks v. the City of Española, et. al.*, seconded by Councilor Kain-Salazar. The roll call vote: Councilor Kain-Salazar for the motion, Councilor Maestas for the motion, CH for the motion, Councilor Duran for the motion, Councilor Lujan for the motion, Councilor Salazar for the motion, Councilor Garcia for the motion; motion passed 7/0.

Entered into executive session at 8:03 p.m.

Councilor Maestas made motion to come out of executive session stating that the only matter discussed was pending litigation, seconded by Councilor Kain-Salazar. The roll call vote: Councilor Kain-Salazar for the motion, Councilor Maestas for the motion, CH for the motion, Councilor Duran for the motion, Councilor Lujan for the motion, Councilor Salazar for the motion, Councilor Garcia for the motion; motion passed 7/0.

The Governing Body reconvened in open session at 8:10 p.m.

Councilor Herrera made a motion to adjourn, seconded by Councilor Garcia; motion passed 7/0.

PASSED APPROVED AND ADOPTED OCTOBER 23, 2006

Electronic copy – signatures on file