

*Summary minutes of:*

**CITY OF ESPANOLA  
CITY COUNCIL MEETING  
TUESDAY, JULY 28, 2009, 6:00PM  
CITY HALL COUNCIL CHAMBERS  
405 PASEO DE OÑATE, ESPAÑOLA, NEW MEXICO**

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

Mayor: The Honorable Joseph M. Maestas, Mayor of the City of Española  
Mayor Pro Tem: Alice Lucero  
Councilors: Danielle Duran  
Alfred Herrera  
Helen Kain-Salazar  
Edward Maestas  
Rosario “Chayo” Garcia  
Dennis Tim Salazar  
Councilor Cecilia Lujan  
City Manager: Veronica Albin  
City Attorney: Paula Maynes  
City Clerk: Heather E. Velasquez, Deputy City Clerk Sally Baxter  
Staff: Fire Chief John Kitchen; Firefighter Ron Padilla; Ben Ortega,  
Director of Public Works; Andrew Herrera, Community Services –  
Plaza; Andrew Perkins, Director of Finance; Police Chief Julian  
Gonzales; Joaquin Maestas, IT Department and employee union  
(AFSCME 1198) president; Municipal Court Judge Stephen Salazar;  
Russell Naranjo, Director of Planning; Len Cata, Community  
Services Director  
Members of the Public: Louise George, owner of Healing Reign; Weldon McCullogh, owner  
of Western Motel; Rebecca Garcia, owner of the “Archuleta  
Building”; Greg White, Transit Planning Coordinator, New Mexico  
Department of Transportation

**Agenda as presented:**

---BEGIN---

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**PUBLIC COMMENTS**

**COUNCILOR COMMENTS**

**MATTERS FROM THE MAYOR**

1. Special Recognitions
2. Employee of the Month
3. Appointment of Alternate Representative on the North Central Solid Waste Authority

**BUSINESS WITH VISITORS**

4. Sponsorship of DATE “Pancakes on the Plaza”

**STAFF REPORTS**

5. Finance Report
6. Edward Byrne Memorial Justice Assistance Grant awarded to Espanola Police Department

**CONSENT AGENDA**

7. Minutes of May 18, 2009, City Council Workshop
8. Minutes of May 26, 2009, City Council Meeting
9. Minutes of June 10, 2009, Special City Council Meeting
10. Minutes of June 15, 2009, City Council Workshop
11. Minutes of June 23, 2009 City Council Meeting
12. Minutes of June 29, 2009, Special City Council Meeting
13. Resolution 2009-25 Repealing City of Espanola Resolution No. 2009-35 Entitled “A Resolution to Reaffirm The Establishment Of the City of Espanola Housing Commission”

**PUBLIC HEARINGS-ACTION ITEMS**

14. Request for Liquor License-Healing Reign dba Joji Sushi
15. Ordinance 2009-04, An Ordinance Amending The City of Espanola’s Utility Ordinance
16. Ordinance 2009-05, An Ordinance Increasing the Judicial Education Fee

17. Ordinance 2009-06, An Ordinance Establishing Penalties for Engaging in Prohibited Activities While Driving
18. Ordinance 2009-07, An Ordinance Entering into a Lease Agreement with the NMDOT for Office Space on Calle Adelante
19. Planning and Zoning Appeal-Rebecca Garcia

**ITEMS PROPOSED FOR COUNCIL CONSIDERATION**

20. Amendments to Personnel Policy
21. Resolution 2009-21, A Resolution In Support of a New Public Library in the City of Espanola and Asking for Public Support of a New Public Library in the City of Espanola and Asking for Public Support of a General Obligation Bond
22. Resolution 2009-22, Adoption of Fiscal Year 2009-2010 Budget
23. Firefighter Union Contract
24. DOT Park and Ride M.O.U.

**DISCUSSION ITEMS**

25. 2009 Appointment of NM Municipal League Voting Delegates

**ANNOUNCEMENTS**

**ADJOURNMENT**

---END---

**Call to Order**

The meeting was called to order at 6:05pm.

**Pledge of Allegiance**

Mayor Maestas led the Pledge of Allegiance

Mayor Maestas announced that the meeting would be broadcast on KDCE radio. Mayor Maestas read the Agenda aloud.

**Approval of Agenda**

Mayor Maestas said he wanted to remove item 23, “Firefighter Union Contract,” as the contract had not been signed by the union and was not available for the meeting. Mayor Pro Tem Lucero said she wanted to remove item 7, “Minutes of May 18, 2009, City Council Workshop”, and item 10, “Minutes of June 15, 2009, City Council Workshop”, and move item 20, “Amendments to Personnel Policy”, to be after item #13 so it would be the first item after the Consent Agenda.

*Councilor Duran made a motion to approve the agenda as amended, seconded by Mayor Pro Tem Lucero and Councilor Salazar. The motion carried 8/0.*

**Public Comments**

There were no public comments.

**Councilor Comments**

Mayor Pro Tem Lucero invited everyone to participate in a dinner at Chili’s Restaurant the following night – by taking in a form she had available, ten percent (10%) of the meal price would go to cancer awareness. The Mayor Pro Tem also invited everyone to a Chamber of Commerce event the next evening at the Plaza.

**Matters From the Mayor**

**Employee of the Month**

Mayor Maestas presented the “Employee of the Month”; the Mayor requested that Fire Chief John Kitchen join him in making the presentation. Chief Kitchen presented the “Employee of the Month” to Firefighter Ron Padilla, saying he had known Mr. Padilla for ten years, and eight months ago had appointed Mr. Padilla Training Officer for the Fire Department. Chief Kitchen added that Mr. Padilla had “turned things around” with respect to improvements made to the department’s training program and this recognition was very well deserved. The Mayor and Chief

Kitchen presented Mr. Padilla with a certificate of recognition and a check for fifty dollars (\$50.00).

Mr. Padilla thanked everyone and added he loved the community and keeping the community safe.

**Appointment of Alternate Representative on the North Central Solid Waste Authority**  
Mayor Maestas said the City had been out of the solid waste business for a while, and he had served as interim primary representative to the Solid Waster Authority. He added Councilor Herrera had served as Alternate Representative, helping steer the Authority through a rough period. The Mayor said he had talked with Ben Ortega [Director of Public Works], who had agreed to be the City's representative. Mayor Maestas added hopefully Mr. Ortega could realize the dream of creating a state-of-the-art transfer station in the City. The Mayor also thanked Councilor Herrera for his service to the Authority.

***Mayor Pro Tem Alice Lucero made a motion to appoint Ben Ortega Alternate Representative to the North Central Solid Waste Authority, seconded by Councilor Maestas and Councilor Lujan.***

Councilor Herrera said that while he respected the Council's right to replace him, he didn't think this was a proper move, putting this burden on a new staff member. As a veteran of the Authority, he felt it was inappropriate to make this recommendation now, and added that since his time as Alternate, he had attended seven out of nine meetings while the Mayor had attended one. He added that he had also attended other meetings regarding the Authority such as DFA [New Mexico Department of Finance and Administration] meetings. He said he encouraged the Council to take that into consideration.

***A roll call vote was taken:***

***Councilor Salazar – against  
Councilor Lujan – for  
Councilor Duran – for  
Councilor Herrera – against***

***Mayor Pro Tem Lucero – for  
Councilor Garcia – for  
Councilor Maestas – for  
Councilor Kain-Salazar – against***

***The motion carried 5/3.***

### **Business With Visitors**

Sponsorship of DATE [Downtown Action Team of Española] Pancakes on the Plaza  
Andrew Herrera (Community Services – Plaza) presented. Mr. Herrera said this had come before the Council previously, with the only information lacking being the date of the event. He said it would be held on September 20<sup>th</sup>.

### **Staff Reports**

Finance Report:

City Manager Veronica Albin said this was the year-end budget through June 30<sup>th</sup>. Andrew Perkins (Director of Finance) said revenues were down \$272,000.00, year to date \$747,000.00. Expenditures were down \$459,000.00, year to date \$271,000.00. He said spending had been curtailed to close the books for the end of the fiscal year, and the numbers reflected an aberration regarding water revenues, which overall for the year to date, were up. Mr. Perkins read a recap from a finance report submitted. He said he anticipated the year-end cash balance would be \$227,000.00. He said regarding the GRT [Gross Receipts Tax], the main source of revenue was down 6.7% from last year. He said staff have to curtail expenses, but the budget was under control.

Mayor Maestas asked what happened in September; the City manager responded it was not that this fiscal year had had a dip, but that the previous fiscal year had had an unexplained high – the previous year was the anomaly. Mr. Perkins said that by

removing the high and low figures, the trend was a decrease of 5.8%. He said looking at continuing forward, he expected a three to five percent decrease every month.

Mayor Maestas asked if the information presented was based on actual numbers; Mr. Perkins confirmed it was. Mayor Pro Tem Lucero asked Mr. Perkins to verify the June Gross Receipts were 10.2% less; Mr. Perkins confirmed that was correct. The Mayor Pro Tem asked what the 4.5% on the information presented referred to; Mr. Perkins responded the trend of June over May. He added he took out dedicated tax as it was not available for the General Fund, and the numbers focused on what the City could spend. Mayor Maestas thanked him for his presentation.

Edward Byrne Memorial Justice Assistance Grant Awarded to Espanola Police Department: Police Chief Julian Gonzales presented. Chief Gonzales said as part of the recovery act, the Department had been allowed to apply for a portion of the grant, and had asked for two officers, two Public Service Assistants (PSAs), vehicles and radio equipment. They hadn't received the money for the radio equipment, but had received money for the other items requested. The City would be required to pick up the salaries of the personnel for one year after the grant program ended, but the grant would pay the salaries for one year. He added this would allow the Police Department to enhance public safety, put officers back in the community, and that Albuquerque and Santa Fe had done similar projects. He said the PSAs would be able to do services such as large load escorts, putting officers back in the community.

Mayor Maestas said when Governor Richardson had visited, he (the Mayor) was concerned the opportunity had been missed and this would be the first time the City had Public Safety Aides; he thanked Chief Gonzales for getting this grant.

Chief Gonzales said he had found out that day that the Department would receive a COP grant that would provide one officer for three years. Mayor Maestas asked how many officers there would be total if fully staffed; the Chief said he didn't have the numbers, but the Department was better off than the previous year, and was always recruiting.

## **Consent Agenda**

*Councilor Lujan made a motion to approve the Consent Agenda, seconded by Councilor Kain-Salazar. The motion carried 8/0.*

## **Items Proposed for Council Consideration**

Amendments to Personnel Policy:

City Manager Albin presented. The City Manager said they had the documents, the item had been presented at the previous meeting, and since then staff had included the union's comments, numbered so they could go through each recommended change.

Mayor Maestas said a motion could be made that the Council go through each proposed change and approve or disapprove the change. The City Manager said some proposed changes conflicted with each other. She explained that different parties proposed changes to some of the same sections of the policy, but the different proposed changes conflicted with each other.

Mayor Pro Tem Lucero said she had just gotten the proposed changes that included the union's comments that afternoon and had not had an opportunity to look at the information. She said she wanted time to review it, and it would take a long time to review the document section by section, so she suggested hearing from the union then tabling the item until the next meeting.

Mayor Maestas said at the previous workshop they had discussed that this was not part of a negotiation with the union, but rather had asked if the union wanted to provide comments for the Governing Body to consider and whether they voted up or down or tabled it, they needed to move forward. He suggested they discuss the conflicting sections and vote on the entire document.

Councilor Garcia said she had had a problem downloading the document, and while she realized this was not a negotiation, she was not able to vote on it at this time.

The Mayor asked if there were any objections to taking action later, and said he would allow brief comments as it appeared they were not going to take action on the item at that meeting.

Joaquin Maestas, representing the employee union, said he applauded not moving forward that meeting as he felt the union and the City were miles apart. He said it was not the right time and added the union was trying to build consensus so employees had input; when the changes were forced upon the employees, there was a negative “knee-jerk” reaction. He said he wanted to foster an environment where employees had input. He said leave was a huge issue to the employees, and it was important they become part of the process.

Councilor Garcia said it was important to do this, and do it soon, and suggested a Special City Council Meeting. Mayor Maestas asked the City Manager if she could reconcile the conflicts. The City Manager replied some of the conflicting comments were made by staff, some by the Mayor Pro Tem, and the Governing Body had to make the decisions. The Mayor asked how they were listed, and the City Manager replied the comments were identified by section with all of the comments from the different parties identified by who make the suggestion and grouped together with the section.

Acting City Attorney Paula Maynes said AFSCME commented but didn't propose other language; she could go item by item, but as an example regarding the “RIF” [Reduction in Force] policy, the union commented that the Council should vote on it. Mr. Maestas responded that with all due respect to the City Attorney's comments, the employees should be partners, and wanted a place “at the table” as had been promised by the Mayor when he was elected; Mr. Maestas added he felt the union and the city were far apart on the issue.

***Mayor Pro Tem Lucero made a motion to table the matter until a special workshop, or the next workshop, seconded by Councilor Lujan and Councilor Salazar. The motion carried 8/0.***

### **Public Hearings – Action Items**

Request for Liquor License – Healing Reign dba Joji Sushi

Mayor Maestas explained that this would be a public hearing; staff would present the issue, the Council could ask questions, then the public hearing would commence. He added approval would require a simple majority.

City Manager Veronica Albin presented. She said this was a request for a liquor license from the restaurant JoJi's, located in front of Lowe's [on Riverside Drive]. The request had been received from the state and met the state requirements, pending approval by the Governing Body.

Mayor Maestas disclosed that his family owned an establishment with a liquor license, and the license was suspended.

Councilor Garcia disclosed that her family owned a company with an active liquor license.

Public Hearing opened at 6:49pm.

Louise George, owner of Healing Reign, said she was requesting the license. She said this was a new business, and she was requesting a “beer and wine” license only.

With no further input from the public, Mayor Maestas closed the Public Hearing at 6:50pm.

Discussion:

Mayor Pro Tem Lucero said the restaurant had excellent food and was different from other restaurants in the area and she would like to see them continue.

***Mayor Pro tem Lucero made a motion to approve the license request, seconded by Councilor Kain-Salazar and Councilor Lujan.***

Councilor Kain-Salazar said she had seen a review in the paper that week and it was a great review. Mayor Maestas said he wanted to add the comment that Mr. George, the husband of the applicant, had helped build “Habitat for Humanity” houses in the area. Councilor Duran said she had lived in Japan for seven years and thought the restaurant had excellent rice. She thanked the owner for coming to Española.

Councilor Herrera asked if this was a request for a new license or a transfer; Louise George responded it was a new request.

Councilor Herrera said he had also enjoyed dinner at the restaurant but also wanted to mention there had been a lot of discussion regarding a liquor license request at a previous meeting, and that discussion had opened his eyes to the number of liquor licenses in the city. He said he couldn’t forget the reactions of the people at that meeting, and said he would oppose the license request.

Councilor Kain-Salazar said she also remembered the previous meeting, but that request was for a package liquor license request, and this was a beer and wine license.

***A roll call vote was taken:***

***Councilor Salazar – for  
Councilor Lujan – for  
Councilor Duran – for  
Councilor Herrera – against***

***Mayor Pro Tem Lucero – for  
Councilor Garcia – for  
Councilor Maestas – for  
Councilor Kain-Salazar – for***

***The motion carried 7/1.***

Ordinance 2009-04, An Ordinance Amending the City of Española’s Utility Ordinance  
City Manager Veronica Albin presented this item. The City Manager referred the Councilors to a supplement to their Council packets that included the proposed changes to the ordinance and a spreadsheet that recapped the proposed changes to the rate structure. She said at the previous evening’s Finance Committee Meeting, the proposed changes had been discussed, and referred the Council to the matrix in the spreadsheet, which reflected the changes as discussed at the meeting. The City Manager said the changes included eliminating the double rate for customers outside the city limits with a twenty-dollar (\$20.00) surcharge added in its place. She said in-city customers had higher property taxes to provide funding for the utilities systems, so the surcharge was proposed for out of city customers. She added that as discussed in the previous evening’s meeting, the proposed changes reflected reducing hook-up fees and this proposal showed a flat fee of \$2,400.00 for connecting to both water and wastewater. She said also in the proposed changes was pursuing partnering with a bank or banks for a payment plan such as a small loan and proposing inactive service fees for residences and businesses who had access to city utilities but were not connected to the city utilities in order to encourage connecting to the utilities to improve cost effectiveness of the systems. She said it cost millions of dollars to run the systems and the City also needed to move funds into a “water rights fund” to establish revenues for future water rights purchases. The City Manager said regarding private lift stations, the change proposed was that the lift stations would become part of the City’s wastewater system with power to the stations still being provided by the residents. She said there wasn’t a way for the City to provide the power, but the City would take over maintenance of the systems.

Weldon McCullogh, owner of Western Motel (member of the public) asked if the City Manager could re-read the section of the proposed changes that referred to lift stations. He asked for clarification of what was being proposed with respect to his property. The City Manager said the City would install the lift station needed for his property; Mr. McCullogh asked if he would be responsible for providing the electricity and the City Manager responded yes, he would.

Public Hearing opened at 7:04pm.

There were no public comments.

Mayor Maestas closed the Public Hearing at 7:05pm.

Discussion:

Mayor Pro Tem Lucero asked the City Manager to recap the rate structure proposed.

The City Manager said the first sheet submitted showed the requested rates. She said it matched the CPI increase each year, with the change to the ordinance being implemented July 1<sup>st</sup> of each year, and that the CPI information came from the US Bureau of Statistics. The City Manager added that matching the CPI was sufficient for water rates but not wastewater, water was subsidizing wastewater, and at the Finance Committee Meeting she had been directed to find a way to reduce the rate increases as much as possible. She said the lowest increase calculated that didn't leave the wastewater system in a deficit was a four-percent increase added to the CPI for wastewater. The City Manager added that this would be reviewed annually. She referred the Council to the packet information and said it showed that for the average residential user, water usage was approximately 4,000 gallons of water per month, and the combined increase for water and wastewater would be approximately four dollars and fifty cents per month.

Mayor Maestas thanked the Chair and members of the Finance Committee for their work at the previous evening's meeting.

Mayor Pro Tem Lucero said the last time this had been proposed the percentage was higher and she was pleased they were able to cut out the rate increase for water, but wastewater had new debt so they didn't have the same option. She said the Finance Committee planned to revisit this in the spring and if the CPI were lower, they would lower rates. She added that at this point they had had no choice, they had to raise the rates or be in a deficit, so this was difficult but they had to support the increase.

Mayor Maestas said he was not comfortable with subsidizing a system, but it seems it would only be until 2012. The City Manager confirmed it was until 2012.

***Councilor Duran made a motion to adopt the changes, seconded by Councilor Herrera.***

Councilor Garcia said they should also add that commercial rates were going up the same amount; this was equal all the way around.

Councilor Duran said she was at part of the Finance Committee Meeting, and understood it went smoothly with a lot of comments included by management. She thanked the councilors for the meeting last night and Councilor Herrera who worked with staff. Councilor Herrera said commercial rates would be a topic of an upcoming Public Works Committee meeting.

Mayor Maestas thanked the City Manager for her work on this ordinance. He said it was a complex ordinance, and while the council was sensitive to the impact to citizens, this needed to be completed,

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

Ordinance 2009-05, An Ordinance Increasing the Judicial Education Fee

The City Manager presented this item. She said the State Legislature, at its most recent session, had passed this increase and local governments were required to increase the fee.

Public Hearing opened at 7:16pm.

There were no public comments.

Mayor Maestas closed the Public Hearing at 7:16pm.

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

Ordinance 2009-06, An Ordinance Establishing Penalties for Engaging in Prohibited Activities While Driving

Mayor Maestas asked Police Chief Julian Gonzales to present this item. Chief Gonzales said this amendment followed state law and imposed a one hundred dollar fine for texting, or talking on cell phones (without a hands-free device) while driving.

Mayor Pro Tem Lucero asked the Chief to elaborate on other prohibited activities. The Chief responded it could be things like having a dog on the driver's lap, or the driver having an arm around another person. He said it included activities that interfered with safe driving, and added that the ordinance being proposed was only for texting, and talking on a cell phone without using a hands-free device.

Councilor Kain-Salazar asked how money received from each fine was divided. Municipal Court Judge Stephen Salazar responded that part went to the General Fund, part was a fee returned to the City, \$20.00 was a court fee, and part went to the state.

Councilor Duran asked if it was possible to put up a sign for drivers coming into Española from Santa Fe, alerting them of the ordinance, and if there was some way to educate the public regarding this. The Police Chief said there were signs at the other entryways into the City, but the City currently put up a sign for drivers coming in from Santa Fe because of the Department of Transportation's construction along US84/285 south of Española. He suggested adding the information to Española's electronic sign [located at the north end of the construction zone]. He also suggested announcing the information on the radio.

Public Hearing opened at 7:21pm.

There were no public comments.

Mayor Maestas closed the Public Hearing at 7:22pm.

Discussion:

Councilor Lujan said she wanted to remind the public, as she reminded herself, that in regards to cell phone use, it was important to be safe with oneself and others, and it was important to emphasize public safety.

***Councilor Lujan made a motion to adopt the ordinance, seconded by Councilor Salazar.***

Mayor Maestas said a national study showed that drivers who talked on cell phones while driving were four times more likely to be in accidents, while drivers who texted while driving were twenty times more likely to be in accidents.

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

*Councilor Lujan wanted to note that her vote was "for" with an exclamation point.*

Ordinance 2009-07, An Ordinance Entering into a Lease Agreement with the NMDOT for Office Space on Calle Adelante

The City Manager presented this item. She said the lease agreement was for the lease of space to the New Mexico Department of Transportation (NMDOT). She said the intent expressed by NMDOT was that employees living in Española would no longer have to commute to Santa Fe if there were NMDOT office space for them in Española. The City Manager added this would benefit the DOT, and would also benefit the City by having the space leased. She said the ordinance was for 5,000 square feet at \$15.00 per square foot, for a total of \$75,000.00, with the space being used for three-quarters of the current fiscal year.

Public Hearing opened at 7:26pm.

There were no public comments.

Mayor Maestas closed the Public Hearing at 7:26pm.

***Councilor Duran made a motion to adopt the ordinance, seconded by Councilor Kain-Salazar.***

Councilor Duran thanked staff and the Mayor for working on this. She said she felt it was great to have the space leased. She said there were forty-five NMDOT employees in the City who would now be staying in the City. Mayor Maestas said the building had once been called the “industrial building with no industry” and he was pleased it was now raising revenue for the City.

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

Planning and Zoning Appeal – Rebecca Garcia

Director of Planning Russell Naranjo presented this item. Mr. Naranjo gave each Councilmember a copy of a letter from the applicant Rebecca Garcia, a copy of an engineering report, a copy of a report done by a contractor, photographs of the building, and an email received from the State Historical Office.

Mr. Naranjo said this was an appeal of a denial for a demolition permit and this matter had been tabled at a Public Hearing in May [2009], when the request had been made to look at possible funding sources to save the structure. He said Stimulus funding didn't fit, state or federal funds might be available if the building was on the Historical register, his staff had contacted the state historical office, and upon review he had determined the building was of historical significance and hoped the City could work towards restoring it, but it was not registered as historical because the owner hadn't applied. He said per the contractor, the building was a “true gem of craftsman bungelow [style]” and probably built circa 1904. Mr. Naranjo added the applicant for the demolition permit had presented an engineering report that stated the engineer could not recommend repairing the structure, nor would repairing the structure bring it to modern construction standards. Mr. Naranjo said the recommendation of staff was to work with the applicant, possibly to use land around the structure for parking, while the applicant applied for historical preservation status.

Councilor Garcia asked the applicant if she would like to comment. Rebecca Garcia (applicant and owner of the “Archuleta Building”) said she had requested a demolition permit before discovering the building had historical significance and if there were other avenues, she was willing to try to save the structure. She said it was a grand old building, but she couldn't afford to repair it. Councilor Garcia asked if she needed help applying for an historical designation; Ms. Garcia said she had a telephone number to start with. Councilor Garcia said that staff might be able to work with the applicant to go to the state and federal government. Ms. Garcia said if not, she would come back before the Council, the building was uninhabitable, and if she could get the money needed, she would be in favor of saving the building.

Mayor Maestas asked Mr. Naranjo if he was willing to offer to help Ms. Garcia, and Mr. Naranjo responded he was. Mr. Naranjo said he was aware Ms. Garcia had tried to sell the property and the state historical office had told him that as a selling point someone could utilize the property as opposed to just knocking it down for parking. Mr. Naranjo said he had been told that if the building was lost, it couldn't be gotten back, and that there were only two buildings by the firm that designed this one (Trost and Trost) still left in New Mexico, which were this one in Española and one in Las Cruces.

Councilor Lujan said she had been in favor of granting the demolition permit, however, if the applicant was willing to work with the City to save the building, she would prefer that.

Public Hearing opened at 7:38pm.

There were no public comments.

Mayor Maestas closed the Public Hearing at 7:38pm.

Mayor Pro Tem Lucero said she thought staff needed to work with Ms. Garcia as this was one of only two “Trost” buildings in the state and it needed to be preserved.

***Mayor Pro Tem Lucero made a motion to table this item until staff worked with the applicant to register the building as historical and seek funding for repairs, seconded by Councilor Garcia.***

Mayor Maestas commended the Council and staff for recognizing the historical value of the building.

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

Resolution 2009-21, A Resolution in Support of a New Public Library in the City of Española and Asking for Public Support of a New Public Library in the City of Española and Asking for Public Support of a General Obligation [GO] Bond

Councilor Kain-Salazar said the Council had already had a presentation on this issue. She said the City needed a new library, but they were “chewing on too much right now”. Councilor Lujan said the City certainly did need a new library to provide resources to the young and elderly, and she had received many calls in support of a new library, but also there were other needs such as streets and utilities. She said the Council should let the people vote on the matter.

Councilor Duran said she still supported a new library, and the City did have “a lot on its plate”, but they couldn’t forget they had duties beyond streets and utilities. The Councilor added she hoped [the GO Bond] passed, but it was up to the people to decide if they supported the bond issue.

City Manager Albin said she recommended a language change to the title of the resolution, changing “support” to “consideration” of the GO Bond. The City Manager said this was because the City couldn’t urge the support of the bond.

Councilor Herrera said he realized the City needed a new library, but he felt like it was pushing the notion of a need for a new library to many residents without water and wastewater, and while he understood the City wasn’t imposing the support, but, rather, allowing the process to move forward, he was not going to support it.

Mayor Maestas said he had received calls in support of a new public library with people saying it was about the kids and the future of the City. He said if this passes, it would be the first major quality of life improvement the City attempted in recent years. He said he did want to see improvements and did care about the library, and the General Obligation Bond was a funding tool all progressive cities in the state used, so he urged the councilors to approve this. He added they were not voting at this meeting for the tax, but voting to let the people decide. The Mayor said the current library had been intended to be a temporary facility, and asked Len Cata how long it had been in use. Mr. Cata (Community Services Director) responded it had been in use for more than thirty years.

Councilor Duran said they should talk with potential partners because the City served a larger community, and they might not need the entire \$6 million. Councilor Maestas said he also received telephone calls and he agreed with Councilor Kain-Salazar and councilor Herrera that the City needed money for utility hookups, but also they had a duty to citizens who used the library.

***A roll call vote was taken:***

***Councilor Salazar – for  
Councilor Lujan – for  
Councilor Duran – for  
Councilor Herrera – against***

***Mayor Pro Tem Lucero – for  
Councilor Garcia – for  
Councilor Maestas – for  
Councilor Kain-Salazar – against***

***The motion carried 6/2.***

*Councilor Lujan wanted to note her “for” vote was with hesitation, but she wanted to let the people decide.*

*Mayor Pro Tem Lucero wanted to note she was “for” this but wished other options had been explored.*

*Councilor Maestas wanted to note he was in favor of letting the people decide.*

#### Resolution 2009-22, Adoption of Fiscal Year 2009-2010 Budget

City Manager Veronica Albin presented. The City Manager said this was another topic that had been discussed at the previous evening’s Finance Committee meeting. She said they had researched the information that had been provided and was able to determine that the DFA (New Mexico Department of Finance and Administration) wanted justifications. She said City staff had made the preliminary cuts that had been discussed, reduced Gross Receipt Tax (GRT) revenue, had reduced the budget by approximately \$580,000.00, and, unfortunately, by going over the budget had found historical errors, put all of it into Caselle (accounting software) and found approximately \$200,000.00 worth of errors, not in the City’s favor. She continued that revenues compared to expenditures for the upcoming fiscal year left a deficit of approximately \$400,000.00. She recommended using cash reserves to make up the difference and said it would not affect reserves as this was carry-over from previous years and money saved over the course of one year. The City Manager said she was presenting a balanced budget, and asked the Council to approve the budget and submitting the budget to DFA.

Mayor Pro Tem Lucero said that the budget had been reviewed at the previous evening’s Finance Committee Meeting, and she was comfortable with what had been done [at that meeting] but did want to monitor the budget on a quarterly basis. The City Manager said the budget included salaries for some positions which were vacant and these salaries would be frozen for a quarter to a half year so a quarterly review would allow the opportunity to determine if these should remain frozen.

#### ***Mayor Pro Tem Lucero made a motion to adopt the budget, seconded by Councilor Herrera.***

Councilor Herrera said he wanted to express his thanks to the City Manager and staff for work done over the past year on this. He said he also wanted to thank City Manager Albin for her leadership role in this and staff because he knew this was no easy task.

Mayor Maestas said he wanted to add his thanks to the Finance Committee as well, and to the Councilors who attended the Finance Committee Meeting.

#### ***The motion carried 8/0.***

Mayor Maestas left the meeting at 7:57pm.

#### D.O.T. Park and Ride MOU

The City Manager introduced Greg White (Transit Planning Coordinator, New Mexico Department of Transportation (NMDOT or DOT)).

City Manager Albin said she was presenting an MOU (Memorandum of Understanding) between the City and the DOT for use of a lot on main street [located at 415 S. Paseo de Oñate] for a “Park and Ride” facility. She said Park and Ride saves fuel, decreases vehicle emissions, and is good for the City. She said at the current location the Park and Ride is on a month-to-month rental basis and had been asked to leave at the end of the current lease period. She said NMDOT will make all of the improvements at its expense, and have a timeframe for making the improvements in the agreement. She said the only area of concern when this had been brought before the Council before had been the lighting expense, but the City was already paying that expense at the current location, so there would be no

increase, however, the City was asking NMDOT to install energy efficient or solar lighting as part of this agreement so there could be a decrease in the lighting expense.

Mr. white said NMDOT was looking forward to working with the City, and he thought it was important to serve the citizens of Española.

Councilor Duran said she had spoken with the Downtown Action Team for Española and their feelings were that this would help bring people into the downtown, and could bring businesses to the downtown as well. She added that although this had been an unexpected request, with a Superfund site under the lot to be used, this was a welcome way to make use of the lot.

***Councilor Kain-Salazar made a motion to approve the MOU, seconded by Councilor Lujan.***

Councilor Herrera said he wanted to thank Greg White as he had done a lot of work on this project and numerous locations had been considered, and he wanted to thank Santa Clara Pueblo for the use of the current location. He said he wanted to thank everyone involved and believed this would help revitalize the downtown.

***Mayor Pro Tem Lucero asked Councilor Kain-Salazar to amend the motion to specify using energy efficient lighting. Councilor Kain-Salazar amended the motion to include energy efficient or solar lighting, seconded by Councilor Lujan. The motion carried 8/0.***

2009 Appointment of NM Municipal League Voting Delegates

Mayor Pro Tem Lucero presented. She said the NM Municipal League was having its conference the first week of September, several councilors had indicated an interest in attending, and the City did need an alternate voting delegate.

Councilor Lujan said with the budget cuts, she wanted to withdraw her interest in attending.

The Mayor Pro Tem said this conference would be in Albuquerque, so the cost was not as great, so she was interested in attending and was volunteering to be the Alternate, if no other Councilors were interested. Councilor Duran said she was also planning to attend and was interested in serving as the Alternate. She said she felt it was important to attend because Española wasn't always well regarded throughout the state, but the current Mayor was more professional, the City was on the move, and it would be great to have representatives there. Councilor Kain-Salazar said she agreed that someone should attend to represent the City.

***Mayor Pro Tem Lucero made a motion to appoint Councilor Duran Alternate Voting Delegate, seconded by Councilor Lujan. The motion carried 8/0.***

Mayor Pro Tem Lucero offered her congratulations to Councilor Duran.

### **Announcements**

City Manager Albin said she wanted to know what would be a good date for a Roles and Responsibilities Workshop and was proposing August 4<sup>th</sup> or 6<sup>th</sup>.

Mayor Pro Tem Lucero said the 4<sup>th</sup> would not be convenient for her. Councilor Duran said the 4<sup>th</sup> would not be convenient for her either. She also asked if the workshop could start after 5:40pm, not 5:30pm.

Councilor Duran said the City was working on wireless for the Plaza but it was not online and she wondered why. City Manager Albin said her latest information hadn't given an update, but she would follow up on the Councilor's question.

### **Adjournment**

*Councilor Salazar made a motion to adjourn the meeting, seconded by Councilor Lujan and Councilor Duran. The motion carried 8/0.*

The meeting adjourned at 8:12pm.

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

**APPROVED AND ADOPTED THIS 25th DAY OF August, 2009**

---

**Joseph M. Maestas, Mayor**

**Attest:**

---

**Heather E. Velasquez, City Clerk**

***ELECTRONIC COPY – SIGNATURES ON FILE***