

**REGULAR CITY COUNCIL MEETING MINUTES  
MONDAY, OCTOBER 10, 2006  
SAN GABRIEL MISIÓN  
1 CALLE DE LAS ESPAÑOLAS  
ESPAÑOLA, NEW MEXICO**

The meeting was called to order at 6:03 pm. with the following present:

Mayor	Joseph M. Maestas
Mayor Pro Tem	Alice Lucero
Councilors	Helen Kain-Salazar Eddie Maestas Alfred Herrera Danielle Duran Cecilia Lujan Dennis Tim Salazar Rosario “Chayo” Garcia
City Manager	Chris Rainwater
City Attorney	Angela “Spence” Pacheco
City Clerk	Veronica Martinez
Staff:	Ivan Guillen Susan Trujillo Josie Lujan Christian Lopez Lesah Sedillo Louis Lujan Marvin Martinez Cyrus Samii
Guests:	Chris Muirhead, Modrall Sperling Greg Mello, Los Alamos Study Group Clarissa Duran, Library Board Member Connie Bonivieu, Amantes de Flores Family of Esther Martinez

**Approval of Agenda:**

Mayor Maestas presented the agenda and suggested that items to be removed be the Appointment of Public Safety Director, the swearing in of Public Safety Director, as well as Resolution 2006-42 NMDOT Coop Paving.

**Councilor Salazar moved to approve as the agenda as amended, seconded by Mayor Pro Tem Lucero; motion passed 8/0.**

Mayor Maestas acknowledged the students Audrey Martinez, Vanessa Johnson, and Cassandra Archuleta, from EVHS who were filming the council meeting.

**Public Comments:**

Mayor Maestas invited public comments.

Councilor Durán introduced Greg Mello, director of the Los Alamos Study Group. Mr. Mello presented information on the increased production of plutonium, stating that LANL could be producing 200 nuclear weapons per year within 10 years. He stated that this would change NM by the increase in nuclear waste, and other factors. He presented a draft resolution opposing pit production and asked the council to read and consider it, stating that it had also been presented in Taos and was being worked on there. He asked if there were any questions, and referred to a brochure with more information.

Councilor Durán asked what the estimated health and environmental impacts would be. Mr. Mello stated that like Rocky Flats in Colorado, there would be contamination because of the increased production of nuclear waste.

Mayor Maestas suggested Mr. Mello meet with the Public Safety Committee for consideration of the proposed resolution and discussion of the concerns of this issue.

Mayor Maestas asked if there were any other public comments. Clarissa Duran addressed the council regarding the library and read her letter in opposition to the Youth Technology Center into the record.

### **Councilor Comments:**

Mayor Maestas asked if there were any comments. Councilor Durán presented to the Mayor a certificate of congratulations for Espanola becoming a Re-certified Economic Development Community, stating that Leroy Garcia had worked very hard to make this happen. Mayor Maestas stated that it was clear the city was working hard on increasing economic development and offered a thanks to Councilor Duran and to Leroy Garcia for their efforts.

### **Approval of Minutes:**

Mayor Maestas presented the minutes for approval. Councilor Durán asked for the correction of spelling errors on page two. The Clerk noted the changes.

**A motion was made by Councilor Lujan to approve the minutes as amended, seconded by Councilor Kain-Salazar and Councilor Herrera; the motion passed 8/0.**

### **Public Hearing:**

Mayor Maestas asked Chris Muirhead prior to the opening of Public Hearing, to explain the purpose of this Ordinance. Mr. Muirhead, as an update, reported that the previous transaction the council had entered into for the Clean Water Loan Program had been closed and was on its way. He explained that the current item for approval is the refinancing of the outstanding portion of the 1999 bonds. The original interest rate was 6.5%, and the new loan rate will be 4.008%. He explained that the Department of Finance Administration's baseline for savings is 3%, and that with this transaction, we are well above. He went on to explain that the pledged money would be the same as the original bonds. Mr. Muirhead recommended approval of this Ordinance. He also recommended a resolution be passed at the next regular meeting to show the actual savings and setting out final terms, because of the varying interest rate day to day, the final savings amount is unknown at this time. The Ordinance is ready for approval with that caveat, stating the benefit of doing so is to get the ball rolling on the refinance.

Mayor Maestas opened the public hearing at 6:49 p.m. and asked for public input. Hearing none, the Mayor closed the public hearing at 6:50 p.m.

**Mayor Pro Tem Lucero made a motion to approve Ordinance, seconded by Councilor Garcia. The roll call vote: Councilor Kane-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. The motion passed with an 8/0 vote.**

### **Matters from the Mayor:**

Mayor Pro Tem Lucero and Mayor Maestas presented the Employee of the Month Award to Mr. Leroy Garcia for his excellent work and dedication to the City of Española. They thanked him for the wonderful job he did presenting the history of the Misión y Convento for the NMML Board and stated their pleasure at having him on our team.

Mr. Garcia stated that he was very honored, and thanked those who help him accomplish his work, including Richard Marquez, and the employees in the General Services department who help to make Espanola the great city that it is.

Mayor Maestas spoke to the merits of Josie Lujan in her dedication and hard work as Acting Finance Director during the transition in the administration, stating that her leadership and dedication was valued by the council.

The entire Governing Body stepped forward for the presentation of the Proclamation for Esther Martinez Week. Mayor Maestas expressed on behalf of the City the devastation of the death of this great woman. He thanked the family for coming to accept this proclamation and offered the community's condolences.

Councilor Herrera read the proclamation into the record. Tony, Ms. Martinez' son, thanked everyone for the proclamation in honor of his mother, and sang a song in tribute to her.

Mayor Maestas presented the proclamation for Clean UP Espanola Day, and asked Councilor Garcia to read the proclamation, as she was always involved in this important event. He also thanked Connie Benivieu for her efforts. Councilor Garcia read the proclamation.

Ms. Benivieu accepted the proclamation and thanked all of the organizations involved, Richard Marquez, Leroy Garcia, and the NCSWA for all of their efforts. She invited all to attend the event on October 14.

Mayor Maestas read the proclamation for World Food Day into the record.

Mayor Maestas addressed the discussion of the repeal of Ordinance 2003-09, stating that the Governing Body but it has no legal authority. He also stated that Santa Clara Pueblo was offended by this ordinance, and as we are currently in the process of establishing trust with them at this time, we should consider the repeal of this ordinance.

Chris Rainwater spoke to this item, pointing out that repealing this ordinance has zero effects on the municipal boundaries or operations; the only purpose is to increase the level of cooperation and good faith effort with Santa Clara Pueblo.

Mayor Pro Tem Lucero stated she felt it was in the best interest to repeal the ordinance and to help establish better relations with Santa Clara Pueblo. Mayor Maestas asked if the council would like this to go to committee or if it should come to the next regular meeting.

It was agreed that it would be heard on the regularly scheduled meeting in November. Councilor Garcia stated she was glad we were finally doing this, and thanked the Mayor for bringing this to the table.

### **Matters from the City Manager:**

City Manager Chris Rainwater spoke on the subject of the GIS plan, stating that the importance of the plan was well known by the governing body and staff for the many needs that this could fulfill. Mr. Rainwater stated he was very pleased to report that the planning staff would be looking at a comprehensive approach to build a good regional GIS system, and applauded the efforts of Cyrus Samii and Russell Naranjo.

Mr. Samii reported that as of now, we have mapping abilities but the plan is in the beginning stages. The next step is to use aerial photography to combine it with demographics and then to be able to merge the information to create comprehensive reports.

Mayor Maestas thanked Cyrus Samii and Chris Rainwater for their hard work and progress on this issue.

Mr. Rainwater reported that a citywide annual training calendar was being compiled and when complete would be full of classes and training opportunities for employees. The training and classes that employees opt to participate in will become part of the annual evaluation. He stated that that the city would benefit by having its employees knowledgeable in safety, management, and job-specific awareness. Staff has been directed to identify five classes per department, to offer employees to attend and encouraged the council to sign up for training on the calendar that they may be interested in attending.

Mayor Pro Tem Lucero stated that such a program was long overdue, and that employees deserve to be trained properly. She thanked Mr. Rainwater for his work. Councilor Garcia stated she hoped customer service training was included. Mr. Rainwater assured her it was #1. He also commented that the scheduled training would help us tremendously with Risk Management measures, and was a good focus for our personnel practices. He also reported that we had already asked for our block of training through Worker's Compensation.

Cyrus Samii spoke on the topic of annexation planning, reporting that he had provided a map of the planning areas that are under consideration for annexation. Each department was given the information to estimate what the fiscal impact would be to the city to actually implement the annexations. With regard to redistricting, he reported that the matter was being discussed with Research and Polling, and that they were working up a proposal for us.

City Clerk Veronica Martinez spoke about the Legislative "Kick Off" scheduled for October 21. She reported to the council that the purpose of this meeting would be to set the council's goals for this legislative session and establish "teams" that will take up one of the priorities and lobby to have it funded. Mr. Rainwater stated that the council has good goals and objectives and the staff was available to help with whatever we could to make these priorities a reality.

Chris Rainwater reported that the Santa Clara easement project was moving along. He reported that Marvin Martinez, David Bustos, Louis Lujan and Joe Naranjo had met and identified the easements. He reported that we were asked for a precise list and now that we had the list, we were able to go to surveyor with that information. Santa Clara has expressed that they are impressed with staff and the progress that has been made.

### **Resolutions:**

Mayor Maestas introduced **Resolution 2006-40 Concerning Municipal Share in Gaming Revenues**. He explained that this was the same resolution that was passed by the NMML years back for cities impacted by gaming. He stated that gaming compacts are up for renewal, and we would like, as some states have, provisions in the contracts that the tribes share their revenues. He further explained that when compacts were initially negotiated, the provisions were included but later removed. It is important that the City support this as Big Rock directly affects us. He reported that he had spoken with Santa Clara officials and they support it as well.

Mayor Pro Tem Lucero stated that it is a need for our community and others like us who provide services without true compensation. She further stated that having Santa Clara representatives go to the legislature to support this would be very helpful.

**Mayor Pro Tem Lucero moved to approve Resolution 2006-40, seconded by Councilor Lujan and Councilor Maestas.**

**Under discussion, Councilor Herrera suggested adding a new portion of the resolution language be added, to read "Governor Richardson and the New Mexico Legislature include a provision in the tribal gaming compacts scheduled for renewal in 2007, that gaming revenues be shared with municipalities impacted by tribal gaming; and"; the makers of the motion accepted the addition as a friendly amendment; the motion passed 8/0.**

Mayor Maestas introduced Resolution **2006-41 Amending 2006-38**, stating that the modified language was meant not to rule out all the classification of tax, but to broaden the investment options of the government and state legislature. He stated that this was a minor but important change.

**Councilor Herrera moved to adopt Resolution 2006-41, seconded by Councilor Garcia; the motion passed 8/0.**

### **Committee Reports:**

Mayor Pro Tem Lucero reported that there was a presentation from B&E Bio-fuels regarding the bio-fuel plant being planned in Taos, and stated that this could be a great regional project and a good opportunity for Espanola to take part in. She also reported that a status update was presented on the Water Filtration Plant project, and a pre-proposal conference was held and proposals will be opened October 23. She also reported that a comprehensive report on the GRT was presented, that it was very good and with the new information, may require re-prioritizing of the GRT projects.

Councilor Lujan reported that Gilbert Serrano and Ron Martinez, concerned citizens, attended the Community Services, speaking about the need to revise our recreation program. She stated that Chris Rainwater would be meeting with appropriate persons to address this issue. She also reported that with the recent rain, the Senior Center has no leaks! Next meeting November 2.

Councilor Duran reported that the economic development did not have a meeting in September; the next meeting is October 11. A member of Windstream would speak at this meeting.

Councilor Herrera reported on the Public Works meeting, stating that at the meeting of Sept 20, they discussed the dedication of Thompson Lane, and it was referred back to staff. Also on the agenda was the easement with school. He reported that it is an ongoing discussion with the school district. There was discussion on street improvement plans, as well as the better use of existing facilities. Speed enforcement in school zones was discussed and would be explored in collaboration with the schools. He reported that the regular meeting of October has been cancelled.

Councilor Salazar reported that the next Public Safety meeting would be October 19; the city wide smoke free ordinance sponsored by Councilor Garcia will be discussed at this meeting.

Councilor Maestas gave a report on the Housing Authority (read Rick's Memo). Next meeting October 17; all were invited to attend.

### **Executive Session:**

**Councilor Duran made a motion to enter into exec session pursuant to Section 10-15-1 (H)(7) of the Open Meetings Act to discuss possible litigation against the City of Española by Benji Velarde, seconded by Councilor Kane-Salazar; roll call: Councilor Kane-Salazar 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.**

**The governing body entered into closed session at 8:05 p.m.**

**Councilor Duran moved to return to open session, stating that no action was taken, and the discussion in executive session was limited to possible litigation against the City of Española by Benji Velarde, seconded by Mayor Pro Tem Lucero. Roll call vote: Councilor Kane-Salazar 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.**

**Councilor Duran made a motion to grant the City Attorney authority to negotiate the matter, seconded by Mayor Pro Tem Lucero; the motion passed 8/0.**

**Councilor Lujan moved to adjourn, seconded by Councilor Duran; motion passed.**

**PASSED APPROVED AND ADOPTED NOVEMBER 13, 2006.**

*Electronic Copy – Signatures on File*