

REGULAR CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 13, 2006, 6:00 P.M.
SAN GABRIEL MISIÓN
1 CALLE DE LAS ESPAÑOLAS
ESPAÑOLA, NEW MEXICO

The meeting was called to order at 6:11 pm. with the following present:

Mayor	Joseph M. Maestas (Absent)
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 (Absent)
City Attorney	Angela “Spence” Pacheco
City Clerk	Veronica Martinez
Staff:	Ivan Guillen Susan Trujillo Josie Lujan Lesah Sedillo Louis Lujan Marvin Martinez Cyrus Samii

Mayor Pro Tem Lucero presented the agenda for approval. Councilor Garcia asked to remove the Plaza Website presentation. Motion to approve the agenda as amended by Councilor Lujan, seconded by Councilor Kain-Salazar; the motion passed with an 8/0 vote.

Business with Visitors:

Mr. Joe Garcia and Mr. Phil Gallegos, of the NMDOT, were present to discuss the Española Relief Route Study. They explained that the main reason for the relief route is to cut down on congestion on the other main routes through the City. They reported that there has been a 25% growth increase over the past 15 years, which has contributed to the congestion. Mr. Garcia explained that the combination of local trips mixed with regional trips are increasing traffic flow and causing unsafe conditions. He stated that the study provided four alternatives to provide relief to Riverside Drive through Española, and that for each alternative, three components were evaluated: the transportation, community and environmental benefits provided. They reported that as part of the study a license plate survey had been conducted and determined that approximately 24-25% of the traffic is through traffic, who tend to be faster drivers, impatient with delays. 70% of accidents are caused by that 25%.

Councilor Lujan asked how the alternatives helped to provide relief for McCurdy Rd. Mr. Garcia explained that the relief route would basically only provide relief for Riverside and another solution would still be needed for McCurdy road traffic. He suggested that Laguna Street could help the situation.

Councilor Kain-Salazar let Sean ask question; what cost, who paid study? Phase B is about \$200K; phase C about the same; first phase paid by City through grant from DOT.

Recommending 1-3 be taken off the table, recommending Phase 3 study alt. 4 and “no build”

Phil Gallegos addressed the Council stated that alternative funding would have to be identified, such as GRIP funding or federal earmarks, because the dept only has \$18 million per year and

this project would be \$60 million to \$65 million. Councilor Herrera asked what the likelihood was for funding and the time frame. Mr. Gallegos answered that the soonest possible time would be 3 years, if the funding were in place today.

Councilor Herrera asked if this project would interfere with Pojoaque/Española corridor project. Mr. Gallegos assured him it would not.

Proclamations and Awards of Merit:

Mayor Pro Tem Lucero presented the award of merit for Employee of the Month. Mayor Pro Tem Lucero introduced Cyrus Samii, who had nominated Joe Duran; thanked Joe for his work and congratulated Mr. Duran.

Councilor Salazar read the proclamation for Chronic Obstructive Pulmonary Disease month into the record.

Mayor Pro Tem Lucero read Española Valley Toy Run Day proclamation into the record. She thanked the representatives present for their efforts in helping children in the area, and presented them with the proclamation.

Councilor Duran read the next proclamation in honor of the late Dr. Akes, and the family was asked to accept the proclamation.

Public Comments:

Mr. Sam Millington, director of Las Cumbres addressed the council regarding a partnership opportunity with the City of Española. Douglas McDonald, Jorge Romero, Al Hernandez, Delfina Romero, Director of Pre-K program were also present. They proposed that Las Cumbres raise the funds to build a new site on the site right next door; have contacted people in the Gov's office, Senators Bingaman and Domenici; spoke with Mayor, staff and some councilors about the proposal. Current sit on Hunter St. inadequate; use off-site areas for current programs. Need about twice as much space; have waiting list of about 50 kids annually. Want to share use and space with the city; use part of building for appropriate "Main Street" businesses such as retail, restaurant or art space. Their request was for a partnership that they felt would jumpstart the Mainstreet project.

Mayor Pro Tem Lucero asked for proposal to City; Mr. Millington stated that he had submitted a memo request, but would be willing to tailor it to Governing Body's request.

Councilor Comments:

Councilor Salazar announced that the EVHS Volleyball team should be applauded for finishing second in State and asked for a proclamation at the next meeting.

Approval of Minutes:

Mayor Pro Tem Lucero presented the minutes of October 10, 2006 for approval.

Councilor Garcia made a motion to approve the minutes, seconded by Councilor Maestas; the motion passed with an 8/0 vote.

Mayor Pro Tem Lucero presented the minutes of October 16, 2006 for approval.

Councilor Garcia made a motion to approve the minutes, seconded by Councilor Lujan; under discussion, spelling correction on page two. Motion passed with an 8/0 vote.

Public Hearing:

Mayor Pro Tem Lucero explained the public hearing process. First public hearing was on Ordinance 2006-08 A Rezone Request for the old Orlie's site. Cyrus Samii explained the progression of the request. The area was originally grandfathered in as a commercial property

but because it was dormant for more than 6 months it had lost its commercial status and the new owners have applied for a rezone.

Public hearing opened at 7:08 p.m.

Mr. David Bustos handed out information to the council. He stated that they were neighbors of the store since the beginning. Some issues they have are issues that can be dealt with by any reasonable business that may come in for an extended period. The first concern was that the Bustos residence must be made safe from patrons of the business. In the past, they cut into the entrance when coming into the store from Cuarteles area, and asked that there be a proper left lane turn entrance. He also requested an aesthetic and safety wall to separate the properties. Previously, customers of the store used to throw trash or use the restroom publicly; he wants the new owners to provide for a safer environment if they are going to sell liquor. He commented that the people who are going to run the store have a store on Hwy 14 that is well run and maintained, and hope they will do the same here. He requested that proper lighting should also be provided on the property, as well as security, as liquor will be sold during all open hours, it could be construed as dangerous. His last request was efficient trash and garbage disposal so it doesn't go into their property. He stated that he is happy if someone wants to do business, and support that, but wants a little respect.

Al Hernandez, of Valley National Bank, current owner of the property, who is selling the property, spoke in favor of the matter. He stated that the prospective owners who own other convenience stores and believes they would run a responsible business. They can work out details with new owners when they apply for their business license. The only issue at hand is the rezone; the aesthetics, and such could be worked out during the business license application process.

Councilor Kain-Salazar asked if liquor would be sold. Mr. Hernandez stated it would, explaining that it is currently being proposed with the original liquor license that was there, which is a full package license.

Mayor Pro Tem Lucero asked twice more for public input.

Sean McAlindin of the Rio Grande SUN asked how the Mr. Bustos' issues would be addressed.

Mr. Samii replied that during the commercial site review, the Planning & Zoning commission would address such things as ingress and egress before the commercial use is approved.

Public hearing closed 7:17

Councilor Maestas made a motion to approve the rezone request, seconded by Councilor Lujan.

Under discussion, Councilor Lujan commented that the owners-to-be were not present, but hope that they work out the Borrego's concerns, safety especially. Councilor Lujan permitted additional comments to Mr. Borrego. He stated that the new buyers were nice people and believed they could work it out, as they run a nice business in another area of the state.

Councilor Herrera commented that he too thought the interests of the Borrego family should be included in further business development

Councilor Kain-Salazar commented that she has a problem with more people selling liquor in the city, but understands that businesses must go on.

Roll call vote: Councilor Kain-Salazar for the motion, Councilor Garcia abstained from voting, Councilor Maestas for the motion, Mayor Pro Tem Lucero for the motion, Councilor Herrera for the motion, Councilor Durán for the motion, Councilor Lujan for the motion, Councilor Salazar for the motion. Motion passed with a 7/0 vote.

Cyrus Samii addressed the next item, a final plat approval requested by Chris Maestas. He stated that with regard to the 22 home subdivision, the item would have to be postponed in

order for the city manager to be able to certify that Mr. Maestas has secured a bond for the infrastructure, and this item would come back to council at the next regular meeting.

Motion to table this item was made by Councilor Garcia, seconded by Councilor Kain-Salazar. The motion passed with an 8/0 vote.

Mayor Pro Tem Lucero introduced Ordinance 2006-09 An Ordinance Repealing Ordinance 2003-09, entitled “An Ordinance Clarifying The Application Of The City’s Code And Explicitly Applying The Code To All Non Sovereign Entities Developing Lands Within The City Of Española.”, stating that Mayor Maestas had introduced this item at last month’s meeting. She stated that the ordinance is offensive to some of our neighboring pueblos, specifically Santa Clara Pueblo. She read a the body of the Ordinance into the record.

Mayor Pro Tem Lucero opened the public hearing at 7:26 p.m. and asked for support or opposition of the Ordinance. A member of the audience asked for the Ordinance to be read. Mayor Pro Tem Lucero read the ordinance and added that City has made an effort to work cooperatively with its surrounding neighbors, including pueblos.

Hearing no other public input, Mayor Pro Tem Lucero closed the public hearing at 7:30 p.m.

Councilor Lujan expressed her concerns about this item. (Begin verbatim): *“I have concerns surrounding this agenda item. I want to convey that my comments have nothing to do with Santa Clara Pueblo. I do not have any problems with Santa Clara developing their land, however, I have concerns in regard to individuals who lease property from Santa Clara. Some of these individuals take advantage and hide behind the sovereignty of the Pueblo, and as a result give the Pueblo a bad name. These individuals come across as though they do not have any regard for the health, safety, and public welfare of the Española Valley. I trust that Santa Clara Pueblo does have respect for the health, safety and welfare of the Española community. Of further concern, what is the City’s protocol as it relates to safety issues – police protection, fire protection for city residents and businesses that are adjacent to leased property by non-tribal members, should a fire or domestic violence occur on the leased property? That being said, with much reservation, I must vote against the repeal of this Ordinance. Again, I reiterate my previous comment that this has nothing to do Santa Clara Pueblo developing their land, but with those non-tribal members who lease their land and take advantage of the Pueblo’s sovereignty and who misrepresent this beautiful people, this neighboring Pueblo.”* (End verbatim).

Councilor Garcia made a motion to approve Ordinance 2006-09, seconded by Councilor Durán.

Under discussion, Councilor Duran commented on Councilor Lujan’s remarks. She stated that she did not expect such comments, but understand her viewpoint. She stated that as we work with Oke Oweenge and Santa Clara Pueblo, public safety and public welfare needs to be addressed as a joint priority. She stated that she trusted that the Governing Body would look to create a stronger bond with our neighbors to improve the welfare of the areas. Mayor Pro Tem Lucero stated that she respected Councilor Lujan’s comments, as it is very important to establish good relations with pueblos and stated that we would be asking for their support on the safety issue. She agreed that the public’s welfare is a very sensitive issue, and we need to work with the pueblo on the the matter of possibly complying with our laws even though they are not required to.

Roll call vote: Councilor Kain-Salazar for the motion, Councilor Garcia for the motion, Councilor Maestas for the motion, Mayor Pro Tem Lucero for the motion, Councilor Herrera for the motion, Councilor Durán for the motion, Councilor Lujan against the motion, Councilor Salazar for the motion. The motion passed with a 7/1 vote.

Mayor Pro Tem Lucero introduced Ordinance 2006-10 Authorizing the Execution of a Loan Agreement with the NMFA for up to \$8,000,000 to refinance existing debt and finance certain capital improvements and repealing Ordinance 2006-06. Mr. Chris Muirhead of Modrall, Sperling spoke to the item, stating that there were a few changes from the original ordinance, since during continuing negotiations, some dollar amounts changed to include Valley National Loans and matching funds that were required by the City. He explained that this loan was a

little broader, and that the savings were a little better, with a total of \$710,000 in savings. He also pointed out that this ordinance would also repeal Ordinance 2006-06

Mayor Pro Tem Lucero opened the Public Hearing at 7:37 p.m. Mayor Pro Tem Lucero asked three times for comments for the public, and hearing none, closed the public hearing.

Councilor Duran made a motion to approve Ordinance 2006-10 “Authorizing the Execution of a Loan Agreement with the NMFA for up to \$8,000,000 to refinance existing debt and finance certain capital improvements and repealing Ordinance 2006-06”, seconded by Councilor Herrera.

Under discussion, Councilor Herrera asked to clarify the savings amount, the \$710,000.00 in savings. He asked if by passing this ordinance, the Valley National Bank loans and the matching funds for the MAP projects would be taken care of.

Mr. Muirhead replied that the savings from the loan interest rate change from 5.6% to 4%, over the life provides the savings of approximately \$710,000 (\$709,889.64). The Valley National Bank loans can be consolidated to take care of the city’s debt. The whole loan will be used to pay off NMFA bond debt in the amount of \$6,625,000, \$480,109.40 in Valley National Bank loans, and the “new” money for matching funds of \$500,000 adds up to just under \$8,000,000.00. He stated that the “new” money would be used for the matching funds for the MAP projects that were not previously budgeted.

Councilor Herrera asked in passing this ordinance, if we were required to use it for the MAP projects and to pay off the bank. Mr. Muirhead stated that it does not actually obligate the city to use it for those items, but that was the intent.

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

Matters from the City Manager:

Susan Trujillo addressed the council with regard to the DFA Quarterly Report. She presented a spreadsheet to outline the budget status as of September 30, 2006. She stated that the report is a working document, as information is constantly evolving. Councilor Garcia asked when it would be complete and given to DFA. Ms. Trujillo stated she was unable to provide a date at this time. Mayor Pro Tem Lucero asked if she was amending and reconfiguring a new budget. Ms. Trujillo stated she was, and would come to council within another month, and that it would probably take the place of a mid-year budget.

Mayor Pro Tem Lucero stated that she and the Mayor had discussed the item of consolidation of committees, and had considered some options, but that they were not prepared to address at this time, stating it should be brought to the following meeting.

Councilor Garcia moved to table to the next meeting, seconded by Councilor Duran, the motion passed with an 8/0 vote.

Mayor Pro Tem Lucero asked for the pleasure of council with regard to the December finance board meeting. It was discussed that it should not be cancelled due to the issue with mid-year budget.

Councilor Lujan moved to change the Finance Board meeting to the 18th of December, seconded by Councilor Maestas; the motion passed 8/0.

Resolutions:

Leo Valdez introduced Resolution 2006-42, Granting Signatory Authority for Grant Agreement SAP 04-0202 STB, in the amount of \$2,000,000.00.

Motion to approve made by Councilor Garcia, seconded by Councilor Kain-Salazar; there was no discussion on the matter. The motion passed with an 8/0 vote.

Committee Reports:

Public Utilities, no report.

Community Services, next meeting December 7.

Economic Development. Councilor Durán stated that Leroy Garcia would be giving a community collaboration presentation on the 20th, and review of the new economic development plan and invited all to attend. The meeting would be held at the training room at the Big Rock Casino.

Public Works, no report.

Public Safety. Councilor Salazar stated that they had given a do-pass recommendation for the Española Smoke Free Ordinance to go before full city council. Their next meeting was rescheduled for December 29.

Public Housing. Councilor Maestas reported that the management fee accountant has reconciled its accounts, that the new board is going to its first Housing Summit training session, that the Soup Kitchen had its second face lift and will increase daily meals to 5 days a week on January 3. He reported that there had been vandalism at the soup kitchen, and that wire mesh and shatter proof windows were installed. He announced that there would be a Thanksgiving dinner at the soup kitchen at 11:45 on November 23. Councilor Kain-Salazar, Councilor Maestas and his wife would be taking over Wednesdays at the Soup Kitchen and the San Juan Church was also volunteering to make expanded meals possible.

Announcements:

Congratulations were given to Councilor Kain-Salazar on the birth of her new grandchild. Councilor Maestas thanked Councilor Garcia for the donation for food and time to soup kitchen and for the food provided at the meeting earlier in the day.

Adjournment:

Councilor Herrera made a motion to adjourn, seconded by Councilor Duran.

The meeting adjourned at 8:09 p.m.

Electronic copy – signatures on file