

**CITY OF GRANTS  
SPECIAL CITY COUNCIL MEETING  
Wednesday, October 12, 2022 6:00 PM  
LOCATION: CIBOLA SENIOR CITIZENS CENTER  
550 JURASSIC COURT  
GRANTS, NM 87020**

**MINUTES**

**MEETING CALLED TO ORDER**

Meeting called to order at 6:00 PM by Mayor Erik Garcia.

**ROLL CALL**

Present:

- Mayor Erik Garcia
- Councilor Beverly Michael
- Councilor Fred Rodarte
- Councilor George Garcia
- Councilor Zachery Gutierrez

Absent:

None

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mayor Erik Garcia entertained a motion to Table the Executive Session.

Councilor Zachery Gutierrez Motioned, the Motion died due to lack of a second.

Councilor Beverly Michael made a Motion to remove Item #2, stating it violates the City Charter and to strike out the following words on Item #3 “Repealing Roberts Rules Resolution No.22-1760 & OMA Resolution No.22-1759”, and for the Item to read as the following: “Discussion/Action of Rules during the Special City Council Town Hall on October 12, 2022” and to leave the rest of the Agenda as is.

City Attorney, Jessica Nixon, confirmed the election of the Mayor Pro Tem had to be approved by the Council.

Mayor Erik Garcia pointed out that the Mayor Pro Tem should be someone the Mayor could rely on and then asked Mayor Pro Tem, George Garcia to step down.

Mayor Pro Tem, George Garcia, replied, stating he would not step down just to appease the Mayor.

Councilor Beverly Michael noted that her Motion regarding the Agenda was still standing.

Mayor Erik Garcia called for a second to the Motion.

**Motion: Beverly Michael                      Second: George Garcia                      Ayes: 3                      Nays: 1 – Zachery Gutierrez**

1. **Discussion of Charter Compliance**

No Citizens wished to discuss Charter Compliance.

**DISCUSSION/ACTION ITEM**

1. **Discussion/Action Resolution No. 22-1784 Open Meetings Act Annual Notice Requirement Revision**

Mayor Erik Garcia explained that the proposed Resolution was the way it used to be, and the prior Council made it this way. He stated the way it's supposed to happen is speaking to the Mayor first, before adding Agenda Items, but that this is not happening.

Point of Information was called by a citizen, requesting a copy of the Resolution No. 22-1748.

Copies were provided to the audience for those who wished to receive one.

Mayor Erik Garcia asked if there were any comments from the Council; there were none.

Mayor Marcia entertained a motion.

**Item died due to lack of a Motion.**

2. **Discussion/Action Election of Councilor Zachery Gutierrez to Mayor Pro Tem**

Removed during the Approval of the Agenda

3. **Discussion/Action of Repealing Roberts Rules Resolution No. 22-1760 & OMA Resolution No. 22-1759 during the Special City Council Meeting Town Hall on October 12, 2022**

Councilor Beverly Michael reminded the Public that in the Motion to correct the Agenda, the Item now reads **"Discussion/Action of Rules during the Special City Council Town Hall on October 12, 2022."**

Councilor Beverly Michael made a Motion regarding the rules for the Town Hall. Rules were to assign Mayor Pro Tem, George Garcia as the Town Hall Monitor, and assign City Attorney, Jessica Nixon, as time-keeper; for citizens that would like to speak to identify themselves and then have a time limit of five minutes, with the allowance that a citizen may share their time with another citizen; shouting, name calling, use of profane language or gestures, by the Council or the Public, will not be allowed or tolerated; the citizens commenting will only discuss the topics of the Town Hall Agenda, which includes only the topics of Gross Receipts Tax (GRT) and Public Safety; and that Councilor Beverly Michael shall be given a minimum of 10 minutes to present information on the concerns regarding the Gross Receipts Tax and Public Safety prior to the Citizens' Comments; with a final conclusion of 90 minutes for the Town Hall, in respect of time constraints.

A citizen asked the Council if the Public had a say in the rules portion of the Town Hall.

Attorney Jessica Nixon stated that this portion is not the Town Hall yet.

Councilor Beverly Michael called a Point of Order, and reminded the Council and Public that a Motion has been made and needs a vote.

Mayor Erik Garcia called for a second to the Motion.

**Motion: Beverly Michael**

**Second: George Garcia**

**Ayes: 3**

**Nays: 1 – Zachery Gutierrez**

## TOWN HALL

### 1. Town Hall Discussion regarding Public Safety and City of Grants Gross Receipts Tax

Mayor Erik Garcia stated that the Town Hall was now open for discussion.

Councilor Beverly Michael objected to citizens speaking, stating that the Council was not open for citizen comments at this time.

An unidentified citizen, asked if citizens were allowed to voice their opinions and address concerns, in a respectful way, without such narrow constraints, and questioned if citizens could address the Council more broadly.

Mayor Erik Garcia replied that they would reach that portion of the discussion momentarily.

Mayor Erik Garcia stated that he believed he should be moderating the Town Hall, with less stringent rules, but noted that the Motion by Councilor Beverly Michael stands on the Agenda and called for comments from the Council.

Councilor Zachery Gutierrez commented that he wanted to hear Public Comment during this time.

Mayor Erik Garcia called for a Roll Call Vote.

The vote passed, and Mayor Erik Garcia then opened the Town Hall Discussion and defaulted onto the Moderator, Mayor Pro Tem George Garcia.

Mayor Pro Tem, George Garcia asked Councilor Beverly Michael to make her initial statement, as Motioned.

Councilor Beverly Michael addressed the Public, stating that City Council Agendas and Minutes are all available on the City's Website. She addressed the public concerns that the Council was not in support of Public Safety and Law Enforcement, and stated that previous Council Actions provided proof of support of both Police Dept, Fire and Safety.

She cited various City Council Meetings, where an increase for Law Enforcement and Fire Department budget items were approved unanimously

Councilor Beverly Michael also explained that the Council has questions and concerns regarding funding from GRT; and concerns about potential funding from the Department of Finance for the Police Protection Fund. She stated there was concern that nobody from the City of Grants representation, filed for the funding and the deadline was missed. She provided further information that failure to apply cost additional funding possibilities for training, retention efforts, and department equipment.

Councilor Beverly Michael continued on regarding specific on the history of Grants' Gross Receipt Tax GRT and its increases. She stated that none of the applicable ordinances had Sunset Laws; which means once it's passed, that tax is collected in perpetuity, unless repealed by Council. She then listed all of the appropriate increases and what City Fund they were allocated to in City Finances, specifically pointing out that two (2) of the previous eleven (11) increases were specific to "Public Safety."

Councilor Beverly Michael ended her initial statement with a reminder that City Council, as a whole, is in favor of a safe community.

City Manager, Donald Jaramillo, made correction to Councilor Beverly Michael's statement that City of Grants representation did apply for Officer Retention funding.

Mayor Pro Tem George Garcia thanked Councilor Beverly Michael for her statement, and called a Point of Order.

Mayor Pro Tem George Garcia stated he talked with City Manager Donald Jaramillo recently, about

the concerns of confusion on the City's application status, and got clarification that the City did apply properly for potential funding. He also noted that there were two separate applications for funding; and stated that he is hopeful we receive the funding.

Mayor Pro Tem George Garcia stated his understanding about confusion regarding three main issues at the previous City Council Meeting.

Mayor Erik Garcia interjected that he believed the new City Finance Director and Chief of Police were requested to be present, and questioned why they were not present for the Town Hall.

Councilor Beverly Michael called a Point of Order, and requested to move forward from that issue.

Mayor Pro Tem George Garcia stated that Mayor Erik Garcia was correct, and that Council had hoped the two above named individuals would be present.

Mayor Pro Tem George Garcia went on to explain that his request to Moderate the Town Hall was due to him primarily requesting to host the Town Hall for the citizens. He stated that in his history as a Private Citizen, he often questioned the way Council and Board meetings were conducted according to Robert's Rules of Order; and now after serving on City Council, he learned what was needed for citizens to address their concerns to the Council, and stated that history as his primary reason for requesting a Town Hall.

Mayor Pro Tem George Garcia restated three primary issues of focus are: Public Safety, GRT, and a public incident of a September altercation occurring between Mayor Erik Garcia and private citizen. He addressed confusion surrounding the Town Hall and previous City Council Meeting discussions, is occurring because the three issues have become "all meshed together," and that is causing the divide in Councilors' decision-making.

Mayor Pro Tem George Garcia mentioned that he and Mayor Erik Garcia are on the same belief regarding Public Safety, but indicated that he does not agree that the solution is raising taxes. Mayor Pro Tem George Garcia stated his belief is "Smaller Government, Less Taxes."

Mayor Pro Tem George Garcia also spoke about the new Police Chief and how that change in leadership could lead to better retention in the Grants Police Department (GPD).

He also referenced Grants Fire Lt. Michael Maes' solution from the previous Council Meeting, and inferred he took that solution to City Manager Donald Jaramillo to see if it would be feasible for the City to provide, in regards to changing the Firefighter Retirement Plan.

Mayor Pro Tem George Garcia informed the public that Public Safety was not solely exclusive to the Police Department and Fire Department and included multiple other City Departments.

He went on to explain that there is no specific Public Safety Line Item in the current GRT budget.

He also stated his belief that the Grants Chief of Police in place should advise the Council.

Regarding the third Town Hall issue; Mayor Pro Tem made known that he is not against the Mayor and his "Politics are not Personalities, it's Policies."

Mayor Pro Tem George Garcia then opened the Town Hall to Public Comment.

City Attorney, Jessica Nixon, reminded the Public there is a 5-minute time limit and she would be in charge of the time-keeping.

Citizen, Ms. Kelly Olguin, stated the City Council is saying the reason they are hosting the Town Hall is regarding Public Safety, but she believes the actual reason is to discuss the public incident involving an altercation between Mayor Erik Garcia and a private citizen.

She also brought forth personal anecdotes on her experiences in regards to Public Safety compromises; and how that is an indication of the lack of safety resources in the community.

Ms. Olguin, stated her belief that lack of funding is a primary issue in Police Officer retention.

Ms. Olguin the concluded that she believes the incident regarding Mayor Erik Garcia may have been in poor judgment in hindsight but was for the right reasons; and noted personal anecdotes of safety concerns regarding the Grants Memorial Park.

Mr. Rodney Pine, a local Business Owner spoke regarding his beliefs that tax increases affect small businesses heavily; and concern that they may not be being utilized properly.

Mr. Pine requested for the City to look into previous GRT allocations to see what those taxes are funding.

Mr. Pine, mentioned a previous tax allocation used by Cibola County, which funded Dispatch Services, and wanted to know if that was a possibility for the City of Grants as well.

His final statement was to note he is not opposed to funding Public Safety and Officers, due to all they provide to the community, and thanked the Local Officers for their service.

Donald Jaramillo, City Manager, clarified the 911 Dispatch center, was a county wide tax. He also clarified the process through the State, to County, to Funding. He answered Public question that previously there was not a tax allocation, and now the Dispatch Center is funded through this tax specifically.

Phil Arguello, spoke about his personal experiences with Public Safety in his youth. He made comment oh how the City Council is an elected representation of the people, and any friction that is being cause is amplified by the Public. He asked the Public to be considerate of their opinions and then addressed the Council to be mindful of their decision to run for elected office.

Chantel Garcia, Grants Citizen, and wife of Mayor Garcia, spoke about personal desire to see Grants grow after having grown-up in the area. She stated her belief that Mayor Erik Garcia wanted to see Grants thrive in its potential, and that they both believed his role as Mayor could help bring that change. She commented that due to lack of support in the local government Mayor Erik Garcia had to work harder to achieve this. She asked the Councilors to stand by Mayor Erik Garcia.

Mrs. Garcia, mentioned Mayor Erik Garcia's public actions to provide security care for the Cemetery, and called on the Councilor to also be proactive in their efforts.

Mrs. Garcia commended Mayor Erik Garcia for his approach to make Grants a better community and how both, Community and Outside Community members support him.

Mrs. Garcia concluded with a request to City Council to take consideration of accountability during Executive Session.

Joan Klonowski, private citizen, spoke on the Gross Receipts Tax mentioned specifics on current City of Grants budget, noting the interest rates and suggested to Council to decrease spending, to increase revenues. She stated she believes it would hurt local businesses to increase the local taxes.

Ms. Klonowski also suggested that Council look into the Police Department retention rates to find a source or reason for why we are losing Officers upon their certification completion.

Private citizen, Pat Marez, brought up personal experiences, regarding observations of possible theft. He also raised concern on potential drugs and paraphernalia in the surrounding area, and issues with calling GPD, noting lack of time and resources for GPD response.

Mr. Marez called on City Council members to work together, noting previous social media posts, as a form of bickering, in order to make beneficial changes for the community and citizens.

Mr. Marez concluded with advocating to have a fully funded Public Safety department, so resources will be available for the safety of the Public. He also expressed hope that with safety improvements, he can see regular activity in his community again, without citizens fear of backlash or harm.

Floyd Burress, local business owner, gave examples of physical altercations his family experienced, to enforce potential danger of the area. He stated his support for more police officers, and understands the lack of officers is also due to some attending Law Enforcement Academy currently.

Mr. Burress, expressed frustration regarding repeat criminal offenders, and noted that it causes a negative image of our town for both local families and visitors. He asked what the plan was to help with the repeat criminal offenders in our local law enforcement system.

Daniel Sedillos, noted that he has come to Council multiple times before, with concerns regarding

intoxicated individuals trespassing on private property. He informed the Council that he has successfully notified GPD receive response, but he believes it's time for City Council to make change.

Mr. Sedillos stated with crime rates increasing in more than just the local area, he would like to request Council work together and make impactful change for the community.

Mr. Sedillos concluded by thanking the City Council for having the space to speak; and thanking the Public for its presence.

Mayor Pro Tem George Garcia called for additional comments from the Public or the Council.

Mayor Pro Tem Garcia addressed the Public to allow time for the new Chief of Police to get into place and for the City to make changes.

Mayor Pro Tem George Garcia reiterated that he does not believe taxes are the way to improve Public Safety, but he would like to see Mayor Erik Garcia's plan and explained his desire to ensure that line items in the budget are properly allocated.

A member of the public questioned if it was possible to dedicate line items in that way.

Mayor Pro Tem George Garcia responded that with the previous City Finance Director, he was shown that there is the ability to make notes and go more in-depth on Line items in the City Finance system.

Mayor Pro Tem Garcia mentioned previous turmoil in the previous City Government that he would now like to see changes with this Council. He stressed that he personally does not agree with everything, and is not a "yes man," and ensured he will do his due diligence to ask questions. He maintained that under Mayor Erik Garcia he was mentored and advised to always look into their legislative decisions.

Mayor Pro Tem George Garcia reminded the Public that Council Members do not have the ability to step away from their Public Political Roles during public incidences.

A private citizen did interject, multiple times during Mayor Pro Tem Garcia's statements, against Town Hall rules, with various objections and criticisms of Council behaviors and disagreements.

Attorney Jessica Nixon reminded the audience, that if they would like to speak, they must come to podium, and requested no further comments in the form of yelling from the audience.

Mayor Pro Tem George Garcia reiterated that the Mayor cannot separate his role from Mayor into Private Citizen, and that was cleared with the City Attorney's Office for clarification.

Mayor Erik Garcia, reminded the Public that he did step away from Mayor into Private Citizen during a previous City Council Meeting, and stated that was causing confusion with Council now no longer allowing that procedure.

Mayor Pro Tem George Garcia disagreed, noting City Council was not aware of their mistake before, but now knew the proper standing of the procedure allowance.

Mayor Erik Garcia maintained that Public Safety issues are difficult and that he has done a lot of work and looking into what Grants' Public Safety Needs are.

He addressed the public concerns about raising taxes, and stated his understanding as a business owner. Mayor Erik Garcia then stated that the last tax increase that was dedicated to Public Safety was used for infrastructure developments. He stated that with the funds in that tax item now, it would be comparable to what the increase could potentially be with an additional tax increase.

Mayor Erik Garcia informed the Public that the City is doing better financially and maintained that he has spent the last two years looking into previous concerns to make sure he did his due diligence.

Mayor Erik Garcia stated Councilor Michael's initial statement was correct regarding Public Safety budget approvals made by the Council.

Mayor Erik Garcia indicated that even with a tax increase, the City of Grants will still maintain a low tax compared to other municipalities.

He mentioned that the COVID pandemic affected the amounts of calls and how resources are now utilized.

Mayor Erik Garcia did note the importance of other budget line items for the City, but stated his belief that Public Safety needed a bigger boost of funds than the budget could allow for on a yearly basis.

Mayor Erik Garcia noted that he was receiving a lot of pushback from the Council Members that was leading to various decisions and concerns not having resolution.

Members of the Public did speak from the audience that Mayor Erik Garcia's last comment was not helpful to make positive impact; and called on the Council to set the example of decorum for City of Grants residents.

Attorney Jessica Nixon again reminded the Public the procedure for speaking during the Town Hall.

Wesley Wayne Mallory, private citizen, agreed with Mayor Erik Garcia regarding city economy and citizens financial situations. He stated that he believed we needed to use our resources wisely, but made note that he did not agree with a tax increase.

Mayor Pro Tem George Garcia spoke about Grants citizens that may be on fixed income and the hardship that taxes would put on those in current financial binds. He agreed with Mr. Mallory, that he did not want a tax increase, but did want to increase Public Safety resources.

Councilor Fred Rodarte spoke about his previous terms on City Council and in his remembrance that he stressed the importance of the City Workers and advocated for them.

Councilor Fred Rodarte indicated that he receives significantly more calls from citizens regarding road conditions than he does about Public Safety issues.

He mentioned that he has made previous comment in City Council meetings about potential crime increases, and reiterated the importance of self-defense and awareness.

Member of the Public did again interject with various comments from the audience.

Councilor Fred Rodarte called for respect from the audience, and requested the citizens be considerate and respectful of the speakers' time, and no longer interrupt.

Councilor Fred Rodarte expressed the Council's role to address the City's issues to the best of their ability.

Floyd Burress, private citizen, was yielded more time, and addressed the increase of homeless individuals in Grants that could lead to possible arson issues. He asked if there was a plan in place to prevent those issues from happening.

Sarah Marks, private citizen, asked how the community can get together to protect the community and resolve some of these issues. She then asked the Council to let the Public know how they could also be of assistance.

Mayor Pro Tem George Garcia reminded the Public that there is not only a new Governing Body, but a new City Manager as well, and noted the procedures they follow to enact change for the community.

Councilor Beverly Michael addressed Mr. Sedillo's concerns and agreed that she has seen similar issues. She informed him that she called the Alcohol Control Board to make report of her observations.

Councilor Beverly Michael stated that she does not agree with all of the alcohol vendor locations within city limits, especially in regards to relation to the schools.

Councilor Beverly Michael mentioned various instances where she approached individuals that may have been unlawfully loitering in her residential area, and how she approached them to offer

assistance. She indicated these actions on her part are a demonstration on the need for various assistance resources for individuals that would otherwise be vetted through Law Enforcement, when the need was actually for Mental Health assistance.

Councilor Beverly Michael implored that instead of being met with violence and law enforcement, the individuals that are causing issue, be met with compassion and assistance, in order to maintain Public Safety for the wider community.

Mayor Pro Tem Garcia stated he would like to stop liquor sales in stores, but needed to clarify the legality of creating those laws.

Private Citizen, Corey Clauson, questioned if Councilor Beverly Michael had a plan in case of possible violence.

Councilor Beverly Michael responded that she was not fearful of that possibility.

Mayor Pro Tem George Garcia reinforced that as Public Officials, members of the Council are not held to the same standard as private citizens. He maintained that he looked into this matter.

Ms. Kelly Olguin, private citizen, interjected that speaking with intoxicated individuals was not the same as sober individuals.

Jessica Nixon, City Attorney, reminded Ms. Olguin of the procedures to have additional time yielded to her and to speak at the podium.

Ms. Kelly Olguin was yielded additional time from another citizen.

Ms. Olguin discouraged Councilor Beverly Michael's actions and agreed on matter of needed compassion. She reiterated the concern that intoxicated individuals could be dangerous to individuals offering assistance. She concluded by recommending the option of seeking law enforcement assistance as opposed to personal approaches.

Mayor Pro Tem George Garcia agreed with Ms. Olguin's recommendation, and encouraged the citizens to call on those trained in public safety as opposed to "taking matters into your own hands."

Mayor Pro Tem George Garcia called for additional public comments.

Julian Armijo, private citizen, mentioned his experience in law enforcement, and noted the increase of substances in the local area.

He pointed out the recent negative reactions within City Officials and Public Comments was unhelpful to the teamwork necessary for positive change in the community. He concluded by calling on the City Council to work together.

Mayor Pro Tem George Garcia thanked Mr. Armijo for his role in the community and called for additional public comments.

Private Citizen, Corey Clauson was yielded more time by another member of the public.

Mr. Clauson used the public altercation between Mayor Erik Garcia and a private citizen as an example of containing a dangerous situation until trained Law Enforcement can assist.

Victoria Garcia, Private Citizen and wife of Mayor Pro Tem George Garcia, spoke about her dismay in the negativity and harmful comments made towards the City Council. She also reminded the Public that matters and decisions made by City Council are all public record.

Mayor Pro Tem George Garcia reiterated about his standing on politics and his role as a public figure.

Anne Deller, Public Citizen, commented on her standing as a community member and her views on the City of Grants as a community. She also addressed the recent animosity within the community, and urged for change within city limits homelessness issues.

Maxine Monte, spoke as a Private Citizen, and unofficially announced her potential start date as the new Chief of Grants Police Department.

Ms. Monte agreed on the public comments regarding a rise in public safety issues. She also addressed the need for change and ensured that the comments were heard and would be dealt with in her capacity in Law Enforcement.

Mayor Pro Tem George Garcia thanks her and welcomed her aboard.

Councilor Zachery Gutierrez raised his position in education and working with the children of the community and how that affects his point of view on the City Council. He stressed that his focus is on the families and future of the City's wellbeing.

He then reminded the Public that this is a discussion period for the City Council, so that future action can be taken. He then urged for open communication from all parties.

Mayor Pro Tem George Garcia called for additional comments from the Public. And readdressed the need for his Town Hall proposal and importance of listening to the public comments.

Megan Marquez, private citizen, noted her previous frustrations with perceived inability for Public Comments, and urged the City Council to make changes internally.

There was general comment from the audience to thank for the Town Hall.

Mayor Pro Tem George Garcia turned meeting officially back over to Mayor Erik Garcia to move to the Executive Session.

## **EXECUTIVE SESSION**

### **Motion and roll call vote to go into Executive Session and that, pursuant to New Mexico State Statute Section 10-15-1, only the following matters will be discussed in closed session:**

Pursuant to Section 10-15-1 (H) the following matters may be discussed in closed session:

- a. Pending or threatened Litigation 10-15-1 (H)(7)
  1. Discussion regarding an independent investigation of Mayor Erik Garcia's actions involving the incident on September 27, 2022.
- b. Personnel 10-15-1 (H) (2)
  1. Discussion regarding filing an Ethics Complaint about Mayor Erik Garcia's conduct while holding elected office.

**Motion: George Garcia                      Second: Fred Rodarte                      Ayes: 3                      Nays: 1 – Zachery Gutierrez**

### **Motion and Roll Call Vote to Return to Regular Session**

### **Motion and Roll Call Vote that Matters Discussed in Closed Session were limited to those specified in Motion for Closure, and that no Final Action was Taken, as Per New Mexico Statutes Section 10-15-1**

**Motion: George Garcia                      Second: Beverly Michael                      Ayes: 4                      Nays: 0**

**DISCUSSION/ACTION ITEMS**

- 1. Discussion/Action to call for an independent investigation of Mayor Garcia's actions involving the incident on September 27, 2022.**

**Motion: George Garcia                      Second: Fred Rodarte                      Ayes: 3                      Nays: 1 – Zachery Gutierrez**

- 2. Discussion/Action to file an Ethics Complaint about Mayor Erik Garcia’s conduct while holding elected office.**

**Motion: Beverly Michael                      Second: Fred Rodarte                      Ayes: 2                      Nays: 2 – Zachery Gutierrez and George Garcia**

**Mayor Erik Garcia broke the tie with a Nay vote.**

**COMMENTS**

No comments from Councilor Fred Rodarte.  
 No comments from Mayor Pro Tem George Garcia  
 No comments from Councilor Beverly Michael  
 No comments from Councilor Zachery Gutierrez.  
 Mayor Erik Garcia thanked the City of Grants for hosting the Town Hall, and the Public for its attendance.

**ADJOURN**

Mayor Erik Garcia adjourned the meeting at 8:33 pm.

**APPROVED:** Signature

\_\_\_\_\_  
 Erik Garcia, Mayor

**ATTEST:**

\_\_\_\_\_  
 Frances Salas, City Clerk