



CITY COUNCIL MEETING  
DECEMBER 10, 2012, 6PM  
CITY HALL COUNCIL CHAMBERS  
405 N. PASEO DE OÑATE ESPAÑOLA, NM

**A. CALL TO ORDER**

Mayor Lucero called the meeting to order at 6:04pm.

**B. PLEDGE OF ALLEGIANCE**

Mayor Lucero led the Pledge of Allegiance.

**C. MOMENT OF MEDITATION/ INVOCATION**

Councilor Martinez led the Moment of Meditation/Invocation.

**D. ROLL CALL/ DETERMINATION OF QUORUM**

The following Governing Body members were in attendance:

Mayor:	Alice A. Lucero
Mayor Pro-Tem:	Dennis Tim Salazar
Councilors:	Robert Seeds
	Pedro Valdez
	Peggy Sue Martinez
	Cory Lewis
	Eric Radosevich
	Elaine Herrera

**E. APPROVAL OF AGENDA**

*Motion by Councilor Valdez to approve the agenda; seconded by Councilor Martinez.*

*Motion carried 7-0.*

**F. PUBLIC COMMENTS**

**G. COUNCILOR COMMENTS**

Councilor Seeds stated that he would like to bring it to everyone's attention that he had been approached by Mr. Juan A. Arellano. He asked Mr. Arellano to share his experience regarding the application process for becoming a police officer.

Mr. Arellano stated that he had been applying with the City of Española for over a year and had been denied employment. He stated that he was a certified officer and wanted to continue his education in law enforcement.

Councilor Radosevich asked why Mr. Arellano's application had been denied. Mayor Lucero stated that it was a personnel matter. Councilor Seeds explained that the reason he had asked Mr. Arellano to be present was in

order to show the need for the appointment of a Police Chief. Mayor Lucero stated that the issue was already on the agenda. Councilor Seeds expressed his hope that good law enforcement be put in place. Councilor Valdez stated that he believed that when someone approached Councilors regarding these issues, they should be brought to committee.

Councilor Valdez announced the 2012 Electric Light Parade Winners and stated that City employees had kept the plaza in good condition. Mayor Lucero stated that the parade had been beautiful and may have been the best ever. She thanked Downtown Action Team Española, Councilor Valdez and KDCE.

Councilor Martinez echoed both of the comments on the light parade. She thanked every participant and stated that the process could be taxing and troublesome and took a lot of effort. She thanked Community Services Director Cata and his staff for the job they had done for the Light Parade as well as for the toy drive.

Councilor Seeds congratulated Boxer Tony Valdez for his victory and stated that he was ranked the #1 Bantamweight fighter as a result. Councilor Martinez asked that the Council recognize Mr. Valdez as an ambassador of the City.

Mayor Lucero stated that the City was hosting Las Posadas on Friday, December 21, 2012 at the Plaza.

#### **H. MATTERS FROM THE MAYOR**

##### **1. Proclamation- Family Learning Center Literacy Night**

Councilor Herrera read the proclamation.

Mr. Jose Gurule expressed appreciation for the recognition of the Family Learning Center.

##### **2. Appointment of Director of Public Safety (action item)**

Mayor Lucero stated that her appointee had roots in the Española Valley and 20 years in law enforcement. She stated that he had served 4 years stateside in Operation Desert Storm for the US Air Force. She added that he had been honored as an example of law enforcement in the US and received recognition by the NM Broadcasters Association. Mayor Lucero explained that he had strong administrative skills and expressed her pleasure to appoint someone with such excellent credentials.

Mayor Lucero announced her appointment of Mr. Eric Garcia as Director of Public Safety.

***Motion to ratify the appointment by Councilor Valdez; seconded by Councilor Lewis.***

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Magistrate Judge Joe Madrid swore in Mr. Eric Garcia as the new Director of Public Safety. The oath of office was administered.

Mayor Lucero stated that the department needed leadership and good management. She announced that she had every confidence Public Safety Director Garcia would be able to lead the department in a positive direction.

Councilor Seeds expressed his hope that everyone would band together to support Public Safety Director Garcia.

Mayor Pro-Tem Salazar congratulated Public Safety Director Garcia and thanked the officers for their hard work. He expressed his confidence that Public Safety Director Garcia would work well with the officers.

*Councilor Radosevich exited at 6:30pm.*

*Councilor Seeds exited at 6:30pm.*

Councilor Martinez introduced Mr. Adrian Carver. Mr. Carver thanked the Council for allowing him time to speak about the NM Youth Alliance. He expressed his excitement about energy behind the Youth Alliance.

*Councilor Seeds re-entered at 6:31pm.*

Mr. Carver stated that they were prepared to do intense work and stated that he had brought a sample budget for a municipal youth council that represented what the NM Youth Alliance recommended.

*Councilor Radosevich re-entered at 6:32pm.*

He added the recommendation that the Youth Alliance be funded annually.

3. Recognition of Retirees-
  - a. Carlos Rodriguez
  - b. Victoria Padilla

Mayor Lucero presented Mr. Carlos Rodriguez with a plaque. Ms. Victoria Padilla was not in attendance.

*Councilor Martinez exited at 6:34pm.*

#### **I. BUSINESS WITH VISITORS**

4. Presentation from Anthony Mortillaro and NCRTD Board Chairman Daniel Barrone regarding overview of NCRTD

Mr. Dan Barrone thanked the Council for the opportunity to present regarding the services of NCRTD. He recognized Mayor Pro-Tem Salazar as a Board Member and Councilor Martinez as his alternate. He stated that Councilor Robert Seeds was a former Board Member. He stated that NCRTD had been growing and progressing. Mr. Barrone presented a PowerPoint presentation.

*Councilor Radosevich exited at 6:37pm.*

Mr. Barrone announced that the NCRTD had moved into their permanent headquarters in July.

*Councilor Radosevich re-entered at 6:38pm.*

*Councilor Martinez re-entered at 6:38pm.*

Mr. Barrone stated that the first rider survey had taken place and the NCRTD had scored a 4.7 out of 5. He stated that they had put into place more modern and economical vehicles.

Mr. Anthony Mortillaro thanked the Council for their time. He stated that the NCRTD had completed their fifth year of service. He stated that they would be evaluating the remaining parcels of land near their headquarters so that they could discuss development in the future.

***Councilor Seeds exited at 6:42.***

Mr. Mortillaro stated that they had completed their 2012 audit and continued to operate in a challenging fiscal environment. He stated that they relied upon 20% GRT and it was dependent on how the economy was doing.

***Councilor Seeds re-entered at 6:44pm.***

Mr. Mortillaro stated that they had maintained service levels, but had not added any additional routes and would not unless they received recurring revenues. He announced that there had been a record amount of riders. He explained that there had been a 26% increase since 2011 and that surpassed the national average by 3%.

Mr. Mortillaro stated that they had enhanced ability to communicate with their fleet and Española was the center of their operations. He stated that they would be installing trash receptacles at locations around town.

Mayor Lucero thanked Mr. Barrone and Mr. Mortillaro for serving the people of Española. Councilor Valdez asked if they would be servicing their vehicles in town. Mr. Mortillaro replied in the affirmative and added that they would be looking into whether it was cost effective to continue or if it would be cheaper to bring vehicle servicing in-house.

**J. PUBLIC HEARINGS**

- 5. CONSIDERATION OF LIQUOR LICENSE APPLICATION FOR TRANSFER OF OWNERSHIP OF EXISTING LICENSE IN THE CITY OF ESPAÑOLA** from Jose C. Roybal D/B/A Fairview Liquor Store & Bar to Murphy Express #8693. The location of the license will continue to be: 1628 N. Riverside Drive, Española, NM

***Mayor Lucero opened the public hearing at 6:55pm.***

Mr. Jerry Hamm stated that he was a representative for Murphy's Express. He stated that he was respectfully requesting that the Council allow an ownership transfer from Mr. Roybal to Murphy's Oil.

Mayor Lucero called for anyone else wishing to comment.

***Mayor Lucero closed the public hearing at 6:56pm.***

***Motion by Councilor Seeds to approve the application for transfer of ownership of liquor license; seconded by Councilor Radosevich.***

Councilor Valdez stated that he would vote against the measure due to morals, health and safety.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	Against
	Peggy Sue Martinez	Against
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

*Motion carried 5-2, with Councilor Valdez and Councilor Martinez voting in the negative.*

Mayor Lucero noted that Mr. Jose "Red" Roybal was in attendance with his daughters.

**6. CONSIDERATION OF ORDINANCE 2012-10:** Amending Ordinance 2012-05, the City of Española Floodplain Development Ordinance

Planning Technician Valdez explained that that the item for presentation was the amendment of the Floodplain Ordinance.

*Mayor Lucero opened the public hearing at 6:59pm.*

Mayor Lucero asked that any members of the public wishing to comment come forward.

*Mayor Lucero closed the public Hearing at 7:00pm.*

*Motion by Councilor Valdez to approve Ordinance 2012-10; seconded by Councilor Radosevich.*

Councilor Martinez asked Planning Technician Valdez which parts were amended. Planning Technician Valdez explained that the adoption of the ordinance only included a change of date of the last study. He stated that all of the information remained the same and Santa Fe County had just updated their maps. Councilor Martinez asked if the changes would affect any constituents. Planning Technician Valdez replied in the negative.

Councilor Seeds asked what the difference was between the resolution and the ordinance. Planning Technician Valdez replied that the ordinance was more official.

Councilor Valdez suggested that monies be included for maps in the next budget. Mayor Lucero asked if FEMA would allow the City to have its own maps. Planning Technician Valdez stated that he was awaiting a reply from FEMA regarding that question.

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	Cory Lewis	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

*Motion carried 7-0.*

## **K. REPORTS**

### **7. Council Committees (Public Safety, Public Works)**

Mayor Pro-Tem Salazar stated that since a new Public Safety Director had been appointed, there would be a meeting the following month in an effort to let him get his feet wet.

Mayor Lucero stated that she wanted to appoint Councilor Valdez as the Interim Chairman of the Public Works committee for the purpose of having meetings.

### **8. Council Appointed Liaison (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)**

Councilor Valdez stated that NCSWA Manager Gino Romero would be present for the next Finance Board meeting to provide information. Councilor Martinez stated that she would like to examine an overview of EGRT commitments.

Mayor Pro-Tem Salazar stated that he had nothing to add regarding NCRTD following their earlier presentation.

Interim City Manager Duran stated that E-911 had begun their mid-year review and had passed a holiday calendar for the year. He stated that they had discussed a new Joint Powers Agreement which would be introduced in the future. He added that they had discussed the update of a repeater which would cost \$2,000 and be within the parameters of their budget.

Mayor Lucero stated that the Regional Coalition of LANL Communities had met with Congressman Ben Ray Lujan and Congress woman-elect Michelle Lujan Grisham regarding the staff funding for LANL. She announced that there would be an intergovernmental meeting with DOE and NNSA that she would be attending.

IS Manager Maestas stated that Redi-Net would be making it easier for employees to do their job. He announced that most of the work in the Dixon area had been completed. He stated that he had forwarded the Service Level Agreement (SLA) to City Attorney Coppler and had negotiations. He explained that Mr. Lorenzo Valdez was in attendance to speak regarding the SLA agreement.

Mayor Lucero asked if Redi-Net had been working with businesses. IS Manager Maestas replied that testing had been completed and the City would be a customer.

## **L. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS**

### **9. Request for Co-Sponsorship and Volunteers for Farolitos on Mainstreet- Mayor Pro-Tem Salazar**

Mr. Ben Sandoval stated that he would be making a proposal for farolitos on the plaza and had been in discussion with Ron Gallegos. He explained that he and other volunteers had been using Facebook to discuss how they could move forward with the plan. He announced that Mr. Gallegos had sent a check for \$1,000 to the Teen Center for this purpose. He stated that they would like to decorate the gazebo area on the plaza near the Mision with approximately 2,000 farolitos.

Mr. Sandoval stated that the farolitos had traditionally been lit on Christmas Eve; however, they would like to do it on December 23<sup>rd</sup> so that families could be a part of the activity. He stated that the timeframe would give them two (2) opportunities to inform the community through the Rio Grande Sun. Mr. Sandoval explained that the group of volunteers would like to bring a positive light to the community and would be happy to have any interested volunteers join them.

Mayor Lucero expressed her appreciation of the volunteers and stated that she believed the event would be great for the community.

***Motion to approve Farolitos on the Plaza by Councilor Radosevich; seconded by Councilor Martinez.***

Councilor Seeds asked what event would take place on December 21<sup>st</sup>. Mayor Lucero replied that it was Las Posadas.

Councilor Radosevich asked who would clean up. Mr. Sandoval stated that it would be done on Christmas Eve and assured the Council that they would assemble the proper teams.

Mayor Lucero suggested that Mr. Sandoval communicate with Community Services Director Cata regarding Posadas on the Plaza. She stated that he they may wish to make a joint effort. Mr. Sandoval stated that a joint effort would be great. Community Services Director Cata stated that 1,500 farolitos had been purchased for Posadas.

Councilor Valdez stated that he and the Downtown Action Team would donate money for the candles.

***Motion carried 7-0.***

***Councilor Herrera exited at 7:26pm.***

Councilor Martinez stated that the people of Velarde usually set up farolitos on Christmas Eve and may be willing to pick up some bags and recycle them.

#### 10. Redi-Net SLA Agreement

Mr. Lorenzo Valdez stated that the subject of the agenda item was the Service Level Agreement for Redi-Net.

***Mayor Pro-Tem Salazar exited at 7:32pm.***

Mr. Valdez stated that Federal regulations required Redi-Net to form partnerships with third party providers. He stated that in addition to Española, partnerships would be formed with Tewa Net and Los Alamos.

***Mayor Pro-Tem Salazar re-entered at 7:34pm.***

Mr. Valdez explained that businesses and homes would be connected through the third party providers. He stated that Redi-Net had installed 120 miles of backbone fiber. Mr. Valdez stated that the Española SLA was a template that the Redi-Net board had passed and had undergone legal review. He explained that upon legal review, the Evergreen Clause was inserted which stated that the contract continued after the term if no action were taken. He added that City Attorney Coppler had recommended making each party responsible for independent parts.

Mayor Lucero asked IS Manager Maestas if the City Hall portion included the Public Library. IS Manager Maestas replied in the affirmative.

Councilor Valdez asked if the funds for the project had been appropriated. IS Manager Maestas replied in the affirmative.

***Motion by Councilor Valdez to approve Redi-Net SLA Agreement; seconded by Councilor Radosevich.***

Councilor Martinez asked what line item this contract had been budgeted under.

Councilor Seeds asked City Attorney Coppler his views on the contract. City Attorney Coppler stated that his concerns had been resolved with the City only assuming liabilities for its own actions.

***Motion carried 6-0.***

11. Lease Agreement With the Town of Red River for Water Rights to be Re-Leased to other water users

City Attorney Coppler stated that his law firm had represented the Town of Red River since 1975 and had a conflict of interest with respect to the issue. He stated that the town of Red River had requested that he bring the issue to the attention of the City of Española so he had turned the issue over to Public Works Director Martinez. He explained that the town of Red River had 993 acre feet total adjudicated water rights and 335 acre feet had not been perfected and dated back to 1966. He explained that Red River had a 40-year plan, under which it was listed that the 993 acre must be protected or lost. He explained that Red River would like to look into leasing the 335 acre feet to the City of Española that had not been perfected.

City Attorney Coppler explained that Red River would pay attorney and consultant costs for putting together the lease. He stated that the reason they were being so generous was that they wanted to enter into a lease with another municipality. He stated that they would lease it to Española at no cost if there were a possibility that Española would sublease it to an Acequia or the Bureau of Reclamation.

City Attorney Coppler explained that there was precedent for interbasin leasing subject to the Office of the State Engineer.

Mayor Lucero asked Public Works Director Martinez if he had discussed the issue with the Bureau of Reclamation. He stated that he had discussed it with Mr. Danny Padilla and the Hydrologist, Mr. Jay Lazarus. He explained that he had been directed to approve the concept with the caveat that it not be added the City water portfolio.

City Attorney Coppler stated that the Town of Red River had asked him to convey their appreciation. He explained that they needed to have a firm statement from the City expressing interest because going forward; they would hire engineers, lawyers, and consultants before returning to the City of Española for approval. He stated that they would be jumping through many hoops and spending a lot of money.

Councilor Valdez stated that this would help the City of Española and the Town of Red River as well.

***Motion by Councilor Valdez to approve the concept of entering into a lease agreement with the Town of Red River for the purpose of leasing up 335.48 acre feet with the City of Española not required to pay any fees or costs of transaction and the lease be subject to the approval of the State Engineer's office, any lease***

*payments from sub-leasers go to the City of Española and the lease not be added to the City Water Portfolio; seconded by Councilor Radosevich.*

City Attorney Coppler noted that the Town of Red River would encounter a group who was against leasing any water of Taos County to any entity outside of Taos County.

Mayor Lucero asked how much revenue the transaction would bring in. Public Works Director Martinez estimated that it would be about \$15,000.

Councilor Seeds stated that there were some red flags to consider and expressed worry over activating the group of people from Taos. Mayor Lucero stated that the City of Española would be acting in good faith as a good neighbor.

Councilor Seeds asked why they had not gone to Angel Fire with the request. City Attorney Coppler stated that it was because Española had a history of leasing water.

***Motion carried 5-1.***

12. Resolution 2012-17: 2013 Holiday Schedule

Mayor Lucero stated that the schedule disseminated was identical to the previous year.

***Motion by Councilor Lewis to approve Resolution 2012-17; seconded by Councilor Valdez.***

Councilor Martinez asked if the holidays listed were the same that state employees received. Mayor Lucero explained that state employees did not get President's Day off because it occurred during the legislative session. Councilor Martinez asked if they were allowed Good Friday off. City Attorney Coppler replied that they were granted a half day off for either Good Friday or the State Fair.

***Motion carried 6-1, with Councilor Martinez voting in the negative.***

13. Lodger's Tax Advisory Board Recommendations

- a. Mini-Grant Award to New Mexico Hispano Awards for \$5,000

Mayor Lucero stated that the Lodger's Tax Board had approved a mini-grant to the Hispano Music Awards for \$5,000.

***Motion by Councilor Valdez to approve the mini-grant award to the Hispano Music Awards in the amount of \$5,000; seconded by Councilor Lewis.***

Mayor Lucero noted that in exchange for \$5,000, the City of Española would receive a sponsorship worth \$10,000. She stated that Councilors were given tickets to attend the function which brought in thousands of people to the City.

Councilor Seeds stated that he had spoken with Interim City Manager Duran who had informed him that the City had received \$9,200 in revenue and had \$13,000 of outstanding debt.

Councilor Martinez expressed concern that the City would be spending \$5,000 on a one night event. She stated that most people went straight to the awards show and ate at the casino. She stated that she could not see the investment back to the community. She added that revenues were down because of the hotels that the casinos

owned. Councilor Martinez stated that it was important to invest in something substantial. Mayor Lucero stated that the hotel at the casino could not accommodate all of the visitors. She stated that after the awards ceremony, many restaurants remained open to service the attendees. She stated that the people would put gas and shop in the City.

Councilor Valdez stated that the event would help the community and projected that \$52,000 would go into the Lodger's Tax Account.

Councilor Seeds expressed concern regarding the debt. He stated that he had asked the City Attorney how the Council could help groups in the community and he had been informed that the only way was through Lodger's Tax. He stated that if this money were spent, there would not be money to support other groups.

Councilor Lewis verified with Interim City Manager Duran that there was enough money to cover the mini-grant. Interim City Manager Duran replied in the affirmative.

Councilor Valdez pointed out that the City supported the Senior Citizens by letting them use the bus. He stated that the City was not allowed to just give money, but made in-kind contributions. Councilor Seeds stated that he did not know where Councilor Valdez got his information from. He stated that the Senior Citizens had taken a trip and paid for it on their own.

City Attorney Coppler noted that he advised Councilor Seeds that the City could use the Lodger's Tax funds for donation to private organizations and private efforts, but they had to promote the tourist industry.

Councilor Martinez stated that she could understand the \$5,000 appropriation to the Beautification Committee. She stated that the City should not spend money that it didn't have.

Councilor Lewis stated that there were not many events for the community to attend and the Hispano Music Awards would give people something to do.

***Motion carried 4-3, with Councilor Martinez, Councilor Seeds, and Mayor Pro-Tem Salazar voting in the negative and Mayor Lucero breaking the tied vote.***

Councilor Radosevich stated that he believed the event would generate more than \$5,000 in revenue.

- b. Mini-Grant Award to the Beautification Committee for \$5,000

***Motion to approve mini-grant to the Beautification Committee in amount of \$5,000; seconded by Councilor Martinez.***

Councilor Martinez asked what would happen since the award would surpass the \$9,200 of revenues that had been received. Interim City Manager Duran stated that the Beautification Committee would not need their funds right away. Mayor Lucero explained that the City would receive more funds throughout the rest of the year.

***Motion carried 6-0.***

- c. Name Change of Lodger's Tax Advisory Board to Española Promotional & Lodger's Board

Mayor Lucero stated that she was not sure why the Lodger's Tax Board was making the request as the name was pursuant to state law.

*Motion by Councilor Radosevich to table the item until a member of the Lodger's Tax Board can appear and provide an explanation; seconded by Councilor Valdez.*

*Motion carried 6-0.*

**M. EXECUTIVE SESSION**

*Interim City Manager Duran stated that there was a need to enter into Executive Session*

*Motion by Councilor Valdez to enter into Executive Session; seconded by Councilor Lewis.*

**Roll Call Vote:**

Mayor Pro-Tem:	Dennis Tim Salazar	Against
Councilors:	Robert Seeds	Against
	Pedro Valdez	In Favor
	Peggy Sue Martinez	Against
	Cory Lewis	In Favor
	Eric Radosevich	Against

*Motion failed 4-2.*

**N. ANNOUNCEMENTS**

Mayor Lucero announced that there had been meetings with a developer regarding the proposal of a Metropolitan Redevelopment Area (MRA). She stated that she wanted the council to be informed. She added that Española Public Schools were interested and she would like to invite Rio Arriba County to a proposed joint work session for the following week. She stated that Española School Board had offered the chambers at the School Administration building.

**O. ADJOURNMENT**

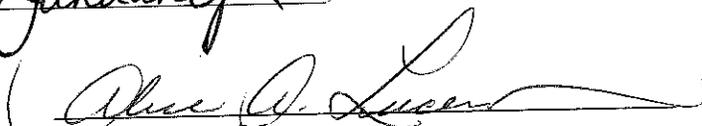
*Motion by Councilor Martinez to adjourn; seconded by Councilor Seeds.*

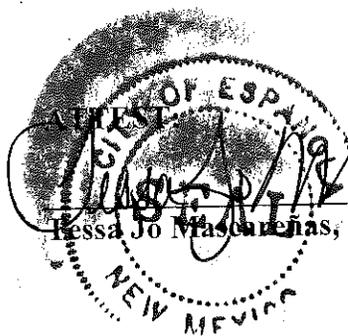
*Motion carried 6-0.*

*The meeting was adjourned at 8:26pm.*

*Minutes taken and transcribed by Tessa Jo Mascarenas, City Clerk.*

APPROVED AND ADOPTED THIS 14<sup>th</sup> DAY OF January, 2013.

  
Alice A. Lucero, Mayor

  
  
Tessa Jo Mascarenas, City Clerk