

**CITY COUNCIL MEETING
SEPTEMBER 10th 2013, 6PM
CITY HALL COUNCIL CHAMBERS
105 PASEO DE OÑATE, ESPAÑOLA**

A. CALL TO ORDER

The meeting was called to order at 6:03 pm by Mayor Alice A. Lucero.

B. PLEDGE OF ALLEGIANCE/ MOMENT OF MEDITATION/INVOCATION

Councilor Pedro Valdez led the Pledge of Allegiance & Moment of Meditation/Invocation.

C. ROLL CALL/DETERMINATION OF QUORUM

The following Governing Body Members were in attendance:

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

D. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE/MOMENT OF MEDITATION**
- C. ROLL CALL/ DETERMINATION OF QUORUM**
- D. APPROVAL OF AGENDA**
- E. PUBLIC COMMENTS**
- F. COUNCILOR COMMENTS/ANNOUNCEMENTS**
- G. MATTERS FROM THE MAYOR (ACTION ITEMS)**
 - 1. Presentation of 2010 Audit, Sanwar Harshwal
 - 2. Infrastructure Capital Improvement Plan (ICIP)
- H. REPORTS**
 - 3. **Council Committees** (Public Safety, Public Works)
 - 4. **Staff Reports**
- I. CONSENT AGENDA**
 - 5. 8.27.13 City Council Meeting Minutes
- J. ITEMS PROPOSED FOR COUNCIL CONSIDERATION AND/OR DISCUSSION – ACTION ITEMS**

6. Consideration of Potential benefits/ savings of Artificial Turf vs. Grass by RC Baldonado, Senior Estimator for Lone Mountain Consulting
7. Resolution 2013-19: Consideration of RAD Remodel Project and Lease Addendums
8. Resolution 2013-20: Abatement of 718 Fairview Lane
9. Contract with Moving Arts Española
10. Discussion of Lyman McCarty vs. City of Española
11. Consideration of Purchase of Chamber of Commerce Building

K. EXECUTIVE SESSION

Pursuant to New Mexico Open Meetings Act Section 10-15-1 (H) Subsection (2) limited personnel matters; (5) discussion of bargaining strategy preliminary to collective bargaining negotiations; (7) attorney-client privilege pertaining to threatening or pending litigation in which the public is or may become a participant; (8) discussion of the purchase, acquisition or disposal of real property or water rights by the public body.

L. ADJOURNMENT

---End---

Mayor Alice A. Lucero stated that the FY 2010 Audit was not yet released from the State Auditor's Office and could not be discussed in open session until such time. She suggested that the Presentation of FY 2010 Audit, by Sanwar Harshwal be deleted from the agenda until further notice. She then stated that Consideration of Contract with Moving Arts Española should be removed from the agenda as well. She concluded that the current draft lease agreement was in the process of being reviewed by Moving Arts Española.

Mayor Lucero explained that Resolution 2013-19: Consideration of RAD Remodel Project and Lease Addendums and Consideration of Purchase of Chamber of Commerce Building would be discussed in Executive Session following Item #10.

Councilor Martinez stated that she would like to have the Council Meeting Minutes removed from the Consent Agenda. She stated that she believed it was important to discuss the Minutes prior to approval.

Motion by Councilor Valdez to approve the agenda as amended; seconded by Councilor Seeds.

Motion Carried 7-0.

E. PUBLIC COMMENT

There were no members of the public wishing to comment.

F. COUNCILOR COMMENTS/ANNOUNCEMENTS

Councilor Valdez reminded the Governing Body of the upcoming Finance Committee Meeting scheduled for September 12, 2013 at 6:00pm.

Councilor Seeds questioned if the City Council Workshop would take place on September 23, 2013. He reaffirmed that he wanted to discuss the Utilities Ordinance. Councilor Seeds stated that he believed the water rates and hook-up fees were too high. He then stated that he would like

to discuss the progressive action and ordinance to remedy abandoned buildings and their surroundings.

G. MATTERS FROM THE MAYOR

Mayor Lucero announced that that the FY 2014 Budget was approved by the Department of Finance and Administration (DFA). She affirmed that the 3% increase to employee salaries would take effect on September 19, 2013 and would be retroactive until July 1, 2013. Mayor Lucero then stated that the Infrastructure Capital Improvement Plan (ICIP) would be on the next City Council Agenda for approval. She stated that the ICIP was due for DFA submission by October 1, 2013.

Councilor Valdez questioned Planning & Zoning Director Russell Naranjo as to the order of priority of the ICIP items. Planning & Zoning Director Naranjo confirmed that it was feasible to rearrange the priority of all items on the ICIP list.

Mayor Lucero stated that an email was sent out to the Governing Body regarding the Infrastructure Capital Improvement Plan (ICIP). She stated that the email confirmed the deadline as well as discussion and input prior.

H. REPORTS

Mayor Pro Tem Salazar stated that the Public Safety Committee Meeting did not commence on August 26, 2013 due to the lack of a quorum. He stated that if he was informed of the need to meet in September he would see to it that a meeting took place; otherwise, the Public Safety Committee Meeting would convene the first week of October 2013.

Councilor Valdez stated that the Public Works Committee met and discussed six (6) items which would be revisited at the City Council Workshop on September 23, 2013.

STAFF

Interim City Manager Joe Duran reported that all departments had been very busy and working progressively. He commented specifically on a report submitted by the Planning & Zoning Department which confirmed that the new Code Enforcement Officer had been very busy.

Item J. Items Proposed for Council Consideration and/or Discussion- Action Items.

Council Meeting Minutes of 8-27-13

Motion by Councilor Martinez to approve the City Council Minutes of August 27, 2013; seconded by Councilor Valdez.

Motion Carried 6-1.

Item #6 Consideration of Potential benefits/savings of Artificial Turf vs. Grass by RC Baldonado, Senior Estimator for Lone Mountain Consulting.

Mayor Lucero stated that the discussion was brought forth for the Council's Consideration by Councilor Radosevich.

Councilor Radosevich stated that while he was attending the recent 56th Annual New Mexico Municipal League Conference in Taos, he met Mr. Baldonado who explained his background and expertise. Councilor Radosevich continued that, while at the conference, he had expressed to Mr. Baldonado that the recreational facilities within Taos and Angel Fire looked amazing (specifically the baseball/soccer fields which had artificial turf). Councilor Radosevich stated that he had gained further knowledge of the cost saving benefits of artificial turf vs. grass and invited Mr. R.C. Baldonado to share his views and knowledge on the matter.

Mr. R.C. Baldonado, Senior Estimator for Lone Mountain Consulting stated his name and title for the record. He explained that he was a certified builder and constructor of natural and synthetic turf. Mr. Baldonado commented that agencies were initially thrown back by the upfront costs of synthetic turf and did not realize the total savings in water usage.

He commented that recent studies had proven aquifer levels in Northern New Mexico continued to deplete. Mr. Baldonado stated that the savings in water usage practically paid for the synthetic material within a period of ten (10) to twelve (12) years. He began to explain a scenario at Santa Fe High School where the water was shut off for a period of six (6) months. He explained that it was initially shut off so that old sprinkler systems could be removed. He continued that the old football grass and artificial turf was assembled within a period of one (1) month. Mr. Baldonado stated that previously Santa Fe High School was consuming 1.7 million gallons of water every six (6) months, which was an average cost to the school of \$51,000 dollars, \$102,000 in one (1) year.

Mr. Baldonado stated that the initial cost to purchase, design, configure and install synthetic turf was \$995,000.00 dollars. He further explained the cost which included fencing, line work, infilling and backfilling. He stated that his company was able to save client's money because they had their own architect and licensed builders. Mr. Baldonado explained that synthetic turf was an environmentally proactive solution to the overuse and high volumes of water consumption and could help to sustain overall usage of the fields.

Councilor Hernandez asked Mr. Baldonado if the price quote mentioned was an estimate based on the approximate size of the two (2) existing softball fields or based off of an actual survey of the fields. Mr. Baldonado replied that the amount was an estimate based on the approximate size of the two (2) existing softball fields.

Councilor Seeds expressed that, although the concept sounded appealing, the Community Services Committee had been working hard for several months prior to the current meeting. He stated that he was under the impression that the funds available for the softball fields were being used to generate existing grass, lay new sod where need be and adapt for sprinklers with limited

water consumption. Councilor Seeds apologized to Mr. Baldonado and stated that the initial cost for synthetic material was too high to consider at this time.

Councilor Hernandez stated that, while he was living in Las Cruces, NM, he was able to enjoy activities played on outdoor soccer, football and softball fields that had synthetic turf. He commented that because of the low maintenance and visual appeal of the recreation areas mentioned, it was a big draw for people and brought revenue year round. He echoed the concerns stated by Councilor Seeds and affirmed that the initial cost was high, but he could see the potential investment as a viable resource towards economic growth.

Mayor Pro-Tem Salazar stated that he felt the concept was appealing because of the savings of water and overall consumption. He questioned if there was a maintenance clause within the contract and what the required maintenance was on a yearly basis. Mr. Baldonado stated that initially the contract would include a maintenance agreement and there would be a charge of approximately \$2,000 per year thereafter. He further explained that a groomer/trained professional checked the turf for any damages and then groomed all parts affected. Mr. Baldonado added that the contract included training for facilitators that worked to promote the longevity of the turf.

Mayor Pro-Tem Salazar asked if there was a warranty on the synthetic turf. Mr. Baldonado stated that there was an eight (8) to twelve (12) year warranty.

Mayor Pro Tem Salazar questioned if, in the event or occurrence of a major dust storm or severe flooding, the warranty would cover the costs. Mr. Baldonado stated that proper routine maintenance was the best defense against the unforeseeable and if a deep cleaning were necessary, the company would charge \$2,000 per year for the service.

Councilor Valdez stated that he was in favor of this concept and the benefits it had to offer. He further explained that grass was very expensive and required constant maintenance. He concluded that the City would spend more money in the long run because of the overall water consumption and attempts at maintenance. Councilor Radosevich echoed the sentiments of Councilor Valdez.

Councilor Radosevich asked Mayor Lucero if it were possible to make a motion to move Lone Mountain Consulting towards the bidding process and allow the company to be reviewed via RFP. Mayor Lucero confirmed that it was feasible to make a motion to generate an RFP provided that an adequate scope of work was identified and advertised so that others may be provided the fair opportunity to bid as well.

Motion by Councilor Radosevich to issue an RFP for the consideration of potentially adapting synthetic turf for the softball fields located on Industrial Park Road; seconded by Mayor Pro-Tem Salazar.

Councilor Robert Seeds reaffirmed that the concept was appealing and expressed that the concept of turf vs. grass was discussed at a committee level. Councilor Seeds stated that

Community Services Committee Meeting discussion and decisions were not translated and he felt blindsided.

Councilor Martinez echoed the sentiments made by Councilor Seeds. She stated that the concept of synthetic turf had sparked her interest because it omitted the use of water. She expressed that it was important to revisit the concept after the appropriate scope of work was defined. She confirmed that she would like to see solid numbers associated with an accurate survey. Councilor Martinez stated that estimations were not good when dealing with approximately (1) one million dollars of taxpayer's money. She concluded her statement by questioning where other methods of funding would materialize from.

Roll Call Vote:

Mayor Pro Tem:	Dennis T. Salazar	In Favor
Councilors	Elaine Herrera	In Favor
	Eric Radosevich	In Favor
	John Hernandez	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	Against- Councilor Martinez qualified her vote by stating that due to the undefined scope of work, initial costs and current lack of funding, she could not support the current status.
	Robert Seeds	In Favor- Councilor Seeds qualified his vote by stating that if the scope of work was first defined and the RFP process permissible, he would then acknowledge the possibilities.

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

Mayor Lucero thanked Mr. R.C. Baldonado for his time and presentation. She stated that she would be discussing further funding possibilities.

Item #8 Resolution 2013-20: Abatement of 718 Fairview Lane.

Planning & Zoning Director Russell Naranjo greeted council and introduced Code Enforcement Officer Michael Marquez. He explained that Mr. Marquez started in mid-July that out of two hundred and two (202) citations issued by Mr. Michael Marquez, 98% of the people issued citations had addressed their issues. Planning & Zoning Director Naranjo then addressed a particular residence which had been problematic and in violation of four (4) nuisance codes. He cited the residence as 718 Fairview Lane.

Code Enforcement Officer Marquez stated that he had previously consulted with City Attorney Frank Coppler regarding Resolution 2013-20: Abatement of 718 Fairview Lane. Code Enforcement Officer Marquez commented that the recommendation from the Coppler Law Firm was in accordance with Chapter 3 Article 18; Powers of Municipality. He recited the beginning

of Resolution 2013-20: Abatement of 718 Fairview Lane for the record.

Councilor Radosevich asked what was needed from the Governing Body in order to endorse the resolution so that it may take effect. Code Enforcement Officer Marquez replied that in order for the Resolution to take effect, it would have to be adopted.

Motion by Councilor Radosevich to approve Resolution 2013-20: Abatement of 718 Fairview Lane; seconded by Councilor Valdez.

Councilor Seeds stated that he had asked Planning & Zoning Director Naranjo about the property in question one (1) year prior. Planning and Zoning Director Russell Naranjo confirmed that Councilor Seeds statement was accurate and the property in question was the same as he recalled.

Councilor Martinez stated that she had witnessed Code Enforcement Officer Marquez doing his job and thanked him for his hard work and diligent effort. She stated that she had time to do some research on the property in question and the Rio Arriba County records reflected that the surname "Grigsby" came up in reference to a portion of ownership on 718 Fairview Lane. She urged the Planning & Zoning Department to follow up on the necessary protocol prior to attempting condemnation of the property. She commented that the language should be revisited which stated that the tenant had ten (10) days to respond prior to vacating.

Planning & Zoning Director Naranjo stated that condemnation was the last resort and all steps and measures were taken prior to the point of condemnation. He expressed that the removal of nuisances would be addressed first, such as the cutting of large trees and/or bushes or the removal of hazardous debris and/or vehicles. He restated that the structure would not be condemned without the proper measures being taken first.

Mayor Pro-Tem Salazar encouraged Code Enforcement Officer Marquez to keep up the good work. Councilor Radosevich echoed the sentiments made by Mayor Pro-Tem Salazar.

Councilor Seeds stated that the resolution was a good path to keeping the area cleaner.

Planning & Zoning Director Naranjo stated that he viewed Resolution 2013-20 as a good opportunity for his Department to evoke positive change and reestablish a sense of civic pride in the area.

City Attorney Frank Coppler advised Code Enforcement Officer Marquez to take many pictures that could be used in a court of law. He clarified his statement by adding that many people may claim that what may be considered debris and nuisance was highly priced art or of antique value. He urged Code Enforcement Officer Marquez to take that into consideration prior to photographing everything in question. He also reminded the Department to be mindful of the ten (10) day notification and response time.

Roll Call Vote:

Mayor Pro-Tem:	Dennis T. Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion Carried 7-0.

Item #10 Discussion of Lyman McCarty vs. City of Española.

City Attorney Frank Coppler stated that during the last Council Meeting on August 27, 2013, Councilor Seeds had wanted to address pending litigation which involved the City of Española and Lyman McCarty. City Attorney Coppler explained that the matter was discussed in Executive Session but the outcome of the case had been disclosed in the earlier part of the current day. He stated that the attorney of the plaintiff Yvonne K. Quintana had asked that the City of Española settle the case in the amount of \$4,200 dollars; meanwhile, there had been a decision in the case that found that the City was not liable for any damages caused to Mr. Lyman McCarty.

City Attorney Coppler stated that a copy of the original memorandum was filed with the courts. He referenced the second paragraph on page three (3) of the memorandum where the judge found it was the Animal Shelter that owned the trailer that the plaintiff occupied. He concluded that the lawsuit should not have been directed toward the City but rather the plaintiff's employer and/or legal landlord.

Councilor Radosevich questioned why this matter was being discussed. City Attorney Coppler replied that he was addressing the matter because it was brought to the Governing Body's attention and he felt it was important to inform them of the positive outcome.

Councilor Seeds requested that the City Clerk's Department obtain the original minutes referencing the lawsuit.

Item # 7 Resolution 2013-19: Consideration of RAD Remodel Project and Lease Addendums

Santa Fe Civic Housing Authority Executive Director Ed Romero introduced himself to Council and stated that he was present to discuss the Consideration of RAD Remodel Project and Lease Addendums. He then gave a brief outline on the housing authority and subsidiary and federal funding stipulations. He stated that the project would be catering to a multi-family base and the units would cost approximately \$30,000 per unit with a total of 78 units. He continued that rent for each of the units would be affordable at approximately \$300 to \$400 dollars per month.

Councilor Pedro Valdez questioned if the units would be sold as real estate at any point. Mr. Romero replied in the affirmative.

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

Roll Call Vote:

Mayor Pro-Tem:	Dennis T. Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion Carried 7-0

The meeting entered into Executive Session at 7:20pm.

Motion to exit Executive Session by Councilor Valdez; seconded by Councilor Radosevich.

Roll Call Vote:

Mayor Pro-Tem:	Dennis T. Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion Carried 7-0

The meeting exited Executive Session at 7:58pm.

Motion by Councilor Valdez to approve Resolution 2013-19: Consideration of RAD Remodel Project and Lease Addendums with the removal of the line which deal with the sale of the property; seconded by Councilor Herrera.

Roll Call Vote:

Mayor Pro-Tem:	Dennis T. Salazar	In Favor
Councilors:	Robert Seeds	Against
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion Carried 6-1, with Councilor Seeds voting in the negative.

Item #11 Consideration of Purchase of Chamber of Commerce Building.

Councilor Valdez stated that after reviewing the appraisal of the Chamber of Commerce building, the City was prepared to offer \$15,000 dollars for the building.

Motion by Councilor Valdez to offer \$15,000 for the purchase of the Chamber of Commerce building; seconded by Councilor Martinez.

Roll Call Vote:

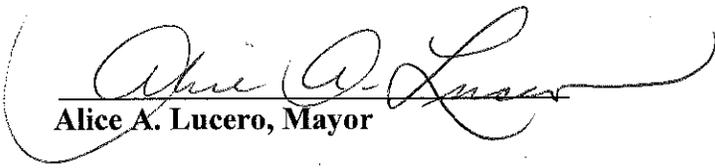
Mayor Pro-Tem:	Dennis T. Salazar	In Favor
Councilors:	Robert Seeds	In Favor
	Pedro Valdez	In Favor
	Peggy Sue Martinez	In Favor
	John Hernandez	In Favor
	Eric Radosevich	In Favor
	Elaine Herrera	In Favor

Motion Carried 7-0.

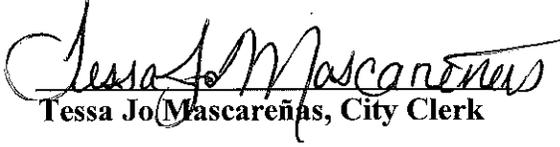
Motion by Councilor Martinez to adjourn; seconded by Mayor Pro-Tem Salazar.

The meeting was adjourned at 8:00pm.

APPROVED AND ADOPTED THIS 2nd DAY OF September, 2013.


Alice A. Lucero, Mayor

ATTEST:


Tessa Jo Mascareñas, City Clerk