

**CITY COUNCIL MEETING
MONDAY FEBRUARY 11, 2013, 6PM
CITY HALL COUNCIL CHAMBERS
105 PASEO DE OÑATE, ESPAÑOLA**

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Mayor Lucero led the Pledge of Allegiance.

C. MOMENT OF MEDITATION/INVOCATION

Councilor Pedro Valdez 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
	Peggy Sue Martinez
	Pedro Valdez
	Eric Radosevich
	Elaine Herrera

E. APPROVAL OF AGENDA

Agenda as presented:

---Begin---

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. MOMENT OF MEDITATION/ INVOCATION**
- D. ROLL CALL/ DETERMINATION OF QUORUM**
- E. APPROVAL OF AGENDA**
- F. PUBLIC COMMENTS**
- G. COUNCILOR COMMENTS/ANNOUNCEMENTS**
- H. MATTERS FROM THE MAYOR**
 - 1. Employee of the Month- Madeline Baca
- I. BUSINESS WITH VISITORS**
 - 2. Presentation regarding the Santo Nino Festival of Arts and Introduction of NNMRAC Board of Directors

3. Presentation by Sam Valencia dba Illuminex on the Environmental Energy Lighting Assessment for the Wastewater Treatment Plant

J. REPORTS

4. **Council Committees** (Public Safety, Public Works)
5. **Council Appointed Liaison** (NCSWA, NCRTD, E911, Beautification Committee, Veteran's Commission, Regional Coalition of LANL Communities, Redi-Net)

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

6. Resolution 2013-03: Signature Authority For Community Bank
7. Approval of Starlighter Loop Security Light Reinstallation
8. Change Order No. 5- Wells #4 and #7 Blending and Tank #4 Replacement Project
9. Review of Library Card Policy
10. Professional Services Agreement between the City of Española and Dinkum

L. 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.

M. ADJOURNMENT

---End---

Councilor Martinez stated that she had questions concerning items #8 and #10. She stated that she had an injury but would try and endure the pain for the duration of the meeting. She asked Mayor Lucero if it was feasible to move these items to next agenda. Mayor Lucero replied that the issues were time sensitive and should not take long.

Mayor Lucero stated that Councilor Radosevich had originally requested that the Library Card Policy be reviewed; however, he had since requested that it be removed from the agenda.

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

Motion carried 6-0.

F. PUBLIC COMMENTS

There were no members of the public wishing to comment.

G. COUNCILOR COMMENTS

Mayor Pro-Tem Salazar stated that his house was broken into the previous Saturday. He stated that he would like to publicly commend the Española Police Department and Chief Eric Garcia for their hard work and critical communication. He credited John Vigil as the first officer to respond and stated that although they were not able to catch the burglar, nothing was stolen from the property.

Mayor Pro-Tem Salazar stated that the water on the west side had not been turned on when he left his house and indicated that Interim City Manager Duran may wish to contact the contractor. Interim City Manager Duran stated that six (6) hook ups had been completed that day and the remaining five (5) would be done the following day. He explained that it may take a few minutes for the water to be hooked up as they had to take the air out to avoid any future damage.

H. MATTERS FROM THE MAYOR

11. Employee of the Month- Madeline Baca

Utility Billing Supervisor BJ Martinez stated that she had nominated Ms. Madeline Baca for Employee of the Month. She stated that Ms. Baca had begun working for the City of Española in January 2012 and during her time, had proven to be an excellent employee with great customer skills. She reported that Ms. Baca was a team player that liked to lend a helping hand. Utility Billing Supervisor Martinez continued that Ms. Baca was extremely patient and worked diligently with customers to resolve issues. She added that Ms. Baca was a hard worker and always went the extra mile to complete a task.

Mayor Lucero presented the Certificate of Appreciation to Ms. Madeline Baca.

N. BUSINESS WITH VISITORS

12. Presentation regarding the Santo Nino Festival of Arts and Introduction of NNMRAC Board of Directors

Executive Director of the New Mexico Regional Art Center (NNMRAC) John Werenko introduced the 2013 Board of Directors. He noted that April of 2013 would mark the fourth year that NMRAC was in Española. He stated that he was grateful to the Council and to the City. He noted that NNMRAC had two (2) major goals that they hoped to achieve. He stated that the first goal had been to form a Board of Directors that was representative of the City. He stated that their President of the Board of Directors was Gabriela Silva. Mr. Werenko stated that the second thing that they wished to accomplish financial sustainability for the organization.

Ms. Silva stated that she had lived in the City of Española for seven (7) years and loved the community. She introduced the additional members of the NNMRAC Board as follows: Miguel Atencio, Nikki Bustos, Geraldine Fiskus, Daniel Garcia, Kathy Madrid, David Piñeda, Vera Vigil and Norman Worth. He noted that Daniel Garcia, son of former City Councilor Chayo Garcia, travels from El Paso to attend the Board meetings. Mr. Werenko stated that, in the future, he hoped to gain representation from Taos so that

the Board of Directors had a regional representation. He stated that their program was wonderful for the children.

Mr. Werenko introduced the staff: Jennifer Heineman, Neil Trager, and Julia Casados. He stated that Greg Ferran, as well as many other volunteers helped in the gift shop. He announced that he wanted the City Council to understand that there were a great many people helping NNMRAC to maintain the Bond House, the gift shop, the Mision, etc.

Mr. Werenko noted that they had seven (7) different sources of income for NNMRAC. He cited the first one as fundraising. He announced that a fundraising event would be held on April 13th and was called the Santo Niño festival for the arts . He stated that the previous year a selection of songs had been sung by the choir and the same would be done for this event. He stated that the Santa Fe Opera had provided two (2) singers to lead the project. Mr. Werenko stated that, with the help of the Santa Fe Opera, NNMRAC hopes to create the Española Valley Children's choir.

Mr. Werenko provided an agenda for the event. He stated that on the evening of April 12th, former Mayor Richard Lucero would be showing photographs from his personal collection that showed the building of the plaza. He stated that following that, the Rio Grande National Heritage Area would preview and show a film entitled, "Land, Water, People, Time," an hour-long film that showcases the area. He stated that on the day of April 13th, there will be 15 artists and artisans doing traditional Northern New Mexico art on the Plaza de Española. He added that there would be Native American dances and Northern New Mexico fiddling. He added that Ballet Folklorico would also perform. Mr. Werenko continued that in the Mision from 2pm-4pm that day, the children's choir, along with choirs from Pojoaque High School and Española Valley High School would perform.

Mr. Werenko reported that he had placed documents in the Council mailboxes giving them the opportunity to become \$100 Sustaining Sponsors for the NNMRAC Choir. Councilor Martinez stated that Mr. John Werenko was a blessing to the community. She stated that she would publicly sponsor the choir for \$100. Mayor Lucero thanked Mr. Werenko for his commitment and sacrifices he made. She also thanked the Board Members.

Mr. Werenko thanked Community Services Director Cata for his support. Mayor Lucero stated that every time she attended an NNMRAC event, she felt so blessed.

3. Presentation by Sam Valencia dba Illuminex on the Environmental Energy Lighting Assessment for the Wastewater Treatment Plant

Mr. Sam Valencia stated that his company had counted every City building for their comprehensive analysis. Mr. Singh Khalsa stated that their report was raw data based on the consumption of electricity through electric light bulbs.

Mr. Khalsa explained that they hoped to retrofit and place new bulbs and by doing this just at the Wastewater Treatment Plant, would cut costs in excess of \$13,000. He stated that the City currently had 323 streetlamps some of which used LED lights which were adequate and more than sufficient use of light. He reported that the City of Española would save a quarter of \$1 million just by changing the bulb. He stated that this savings would pay for the project in just 2.3 years. He stated that electrical costs for City Hall, after retrofitting, would be roughly about \$5,380 as opposed to current usage which was \$6,920.

Mayor Lucero stated that the City of Española had spoken with Jemez Electric Cooperative about LED lights for energy savings, but it would be very costly. Mr. Khalsa continued to review his presentation. Councilor Valdez corrected the report by stating that Jemez Electric Cooperative did not charge by wattage, but by pole when it came to streetlights. Interim City Manager Duran confirmed this point.

Councilor Seeds commented that this was eye-opening information and he could not understand why Jemez Electric Cooperative had not moved in this direction. He expressed his belief that this change was worth looking into. Mayor Lucero stated that some of the changes could be looked at during the budget process while other changes may require funding from other sources.

Mayor Lucero noted that there were sometimes issues with people shooting out the streetlights requiring replacement. Interim City Manager Duran explained that Jemez Electric Cooperative only changed the lights out four (4) times annually and beyond that, the City would have to pay for any repairs. Mr. Khalsa replied that this would not be an issue with their bulbs. He also stated that while fluorescent bulbs shatter when dropped, one of their bulbs could be smashed and would still work.

Mr. Valencia reported that removal of the fluorescent lights would also help people who got headaches as a result. He commented that as they had conducted their study, they had found many people working with their lights shut off because of this. He added that their bulbs burned a lot cooler so this would also reduce air conditioning costs in the summer.

Councilor Seeds stated that he hoped to ask City Attorney Coppler if this type of solution could be used to renegotiate with Jemez Mountain Electric Cooperative in order to reduce costs.

O. REPORTS

4. Council Committees (Public Safety, Public Works)

Mayor Pro-Tem Salazar stated that he did not have a report from the Public Safety Committee.

Councilor Valdez reminded everyone that they needed to attend committee meetings. He stated that there were very important issues that needed to be heard. Councilor Seeds

asked Mayor Lucero to appoint another person to the Public Works Committee so that it was more likely that there would be a quorum.

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

Councilor Valdez stated that he would have a report for the next City Council meeting.

Mayor Pro-Tem Salazar stated that he did not have a report for NCRTD.

Mayor Lucero stated that E-911 would not be holding their next meeting until March.

There were no reports for the Beautification Committee or the Veteran's Commission.

Mayor Lucero announced that there would be a meeting of the LANL Regional Communities Coalition that Friday. She stated that she would be attending that.

There was no report for Redi-Net.

K. ITEMS PROPOSED FOR COUNCIL CONSIDERATION/DISCUSSION ITEMS

6. Change Order No. 5- Wells #4 and #7 Blending and Tank #4 Replacement Project

Interim City Manager Duran stated that the Councilors had before them a change order in the amount of \$213,971. He stated that \$58,472 would be paid from Water Operations and \$155,498 would be paid from Wastewater Operations.

Mayor Lucero asked if any of the work had been completed. Interim City Manager Duran replied that all of the work had been completed except for one portion that was underway. He noted that Item 96 would require that easements be obtained.

Motion by Councilor Valdez to approve the change order; seconded by Councilor Herrera.

Councilor Seeds verified that some of the work had already been done. Interim City Manager Duran replied in the affirmative. Interim City Manager Duran explained that these were necessary field changes. Councilor Seeds asked why these were left out of the original bid. Interim City Manager Duran replied that they were not anticipated.

Mayor Lucero asked if some of the costs were covered by the contingency amount. Interim City Manager Duran replied in the affirmative.

Councilor Seeds asked what changes were not anticipated. Interim City Manager Duran cited one example as a fence that had deteriorated and needed replacement and another as water lines that had been placed in a zigzag formation.

Councilor Seeds stated that he had received numerous complaints from the Westside regarding the water project. He asked if the company was overwhelmed with all of the work they were doing. Interim City Manager Duran stated that they do have enough staff to get this completed. He explained that the lines they were replacing were extremely old. He stated that the problem was that there were steel lines that did not have valves. Interim City Manager Duran reported that six (6) of the 11 valves had been completed that day. Councilor Seeds asked if the company should have anticipated the changes given the age of the lines. Interim City Manager Duran stated that certain issues could not have been anticipated, such as zigzagged lines.

Councilor Seeds stated that he had asked the Mayor about the mixing of different waters. He asked who the City had to hold responsible to guarantee that the City had quality water. Interim City Manager Duran stated that several tests had been conducted and it would be tested on a routine basis. Councilor Seeds asked who would be responsible for that. Interim City Manager Duran stated that the City has its own testing within the Water Department. Mayor Lucero noted that the City reported to the Environment Department and EPA.

Councilor Radosevich stated that he was concerned about change orders in general, as he was from a construction background. He explained that some people may underbid in order to get the jobs. He stated that once they received the contract, they often used change orders to make their money. He stated that he did not see any other way around it than to pay for the changes, but cautioned the Council about getting bids that were more in depth.

Councilor Valdez stated that he visited the sites quite often and found that the company was doing a good job. He explained that he had worked for the City in 1972. Councilor Valdez stated that the correct fencing was often necessary to limit vandalism.

Councilor Martinez stated that she was concerned that the City was paying them that amount. She stated that it would be difficult to determine if they did a good job until they were done. She echoed Councilor Radosevich's comments. She stated that a good way to make it stop was to not approve the change order and bid out the work.

Councilor Valdez stated that if the change order were not done at that time, the City would have paid double. Mayor Lucero noted that the contractors were there and their equipment was as well. Councilor Martinez stated that there were several contractors in the area that would be happy to make that money.

Councilor Seeds asked Interim City Manager Duran to see that this did not continue.

Roll Call Vote:

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

Motion failed by a vote of 4-2.

Mayor Lucero stated that this may mean that some projects would be delayed. Interim City Manager stated that some of the projects had already been done. He explained that he had approved them in order to move the projects forward. Councilor Radosevich indicated that he would like to change his vote to a yes vote in order to avoid the legal issues.

Mayor Lucero asked City Clerk Mascareñas if this change could be made. City Clerk Mascareñas stated that the process would be a lot simpler if it were re-done. Councilor Martinez stated that a re-vote could not be done once the vote was taken.

Mayor Lucero stated that if the motion stood, it may have to be returned to the Council for consideration. She stated that she would like to get a legal opinion.

Councilor Seeds stated that he would like to discuss the motion before he voted again. Councilor Martinez restated that the Council could not vote without a motion on the floor.

Councilor Martinez exited at 7:15pm.***Motion by Councilor Valdez to approve Change Order No. 5; seconded by Councilor Herrera.***

Councilor Seeds cautioned the Council about companies that the City had issues with regarding change orders. He stated that they needed to be good keepers of the money.

Councilor Radosevich stated that he wished to change his vote because he believed that in the long run, the City would end up paying for the work that had been done and additional funds for legal fees.

Councilor Martinez re-entered at 7:18pm.

Councilor Martinez stated that the motion had already been voted upon. Mayor Lucero informed her that another motion had been made when she left the room.

Roll Call Vote:

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

Councilor Seeds clarified his vote by stating that he wanted to “give caution to the wind” to stop the change orders.

Mayor Lucero stated that some of the change orders had already been approved by Council; therefore, she would vote to honor the contract.

Mayor Lucero voted in favor to break the tie vote.

Motion carried by a vote of 4-3.

7. Professional Services Agreement between the City of Española and Dinkum

Mayor Lucero explained that Dinkum was an account analyst business. She stated that the President of the company was Mr. Jim Orenzo. She explained that the auditors had been on-site the previous week. She continued that this audit had taken so long because previous to this year, there had been approximately four (4) years of disclaimers. ASD Sandoval noted that a disclaimer usually noted that the auditor was not submitting an opinion.

Mayor Lucero reported that because of the situation with the disclaimers, the City had been given an at-risk designation by the New Mexico State Auditor’s office and DFA. She stated that the previous week, she had met with ASD Sandoval, the auditors and staff. She stated that there were still several accounts from 2007-2009 that needed to be reconciled. She stated that there were 180 accounts, of which ASD Sandoval would reconcile approximately 50 of them. Mayor Lucero explained that each account took approximately 3-4 hours to resolve or reconcile. She stated that the Auditor along with the NM State Auditor had directed that the City hire a specialized firm for this purpose.

Mayor Lucero stated that Dinkum had assured them that they could have this completed within 30 days.

Councilor Martinez asked ASD Sandoval if this would be the final request for funding with respect to the audit. ASD Sandoval stated that she did not have a crystal ball and therefore, could not venture a guess.

Motion by Councilor Valdez to approve the Professional Services Agreement between the City of Española and Dinkum; seconded by Councilor Radosevich.

Councilor Martinez replied that although ASD Sandoval did not have a crystal ball, Interim City Manager Duran did have a magic wand.

Motion carried 6-0.

8. Resolution 2013-03: Signature Authority For Community Bank

Mayor Lucero stated that the resolution would allow for a change in the signature authority at Community Bank where there was a single account. Councilor Martinez asked what the particular account had been used for. ASD Sandoval replied that federal payments for the Housing Authority had gone to that account several years prior. She stated that it had not been closed because the signatories had not been changed since the prior administration.

Councilor Martinez verified that no check could be issued without two (2) signatures. City Clerk Mascarenas replied in the affirmative.

Motion by Councilor Valdez to approve Resolution 2013-03; seconded by Councilor Radosevich.

Motion carried 6-0.

9. Approval of Starlighter Loop Security Light Reinstallation

Interim City Manager Duran stated that approval of the measure would allow the reinstallation of a security light. He explained that a light had been placed in the specified location previously, but had been moved in order to allow for the movement of the home on the property.

Motion by Councilor Valdez to approve the Starlighter Loop Security Light Reinstallation; seconded by Councilor Martinez.

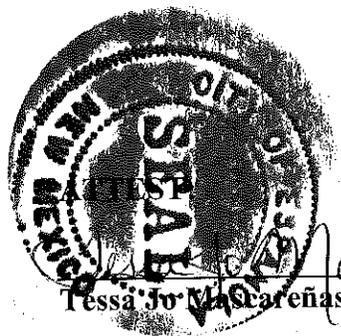
Motion carried 6-0.

Motion by Councilor Martinez to adjourn; seconded by Councilor Radosevich.

Motion carried 6-0.

The meeting was adjourned at 7:30pm.

APPROVED AND ADOPTED THIS 11th DAY OF March,
2013.



Alice A. Lucero

Alice A. Lucero, Mayor

Tessa Jo Mascareñas

Tessa Jo Mascareñas, City Clerk